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VOLUME: 381

DATE: Monday, May 25, 1992

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

FARR & ASSOCIATES REPORTING INC.

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EA-87-02

HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental Assessment for Timber Management on Crown Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable Jim Bradley, Minister of the Environment, requiring the Environmental Assessment Board to hold a hearing with respect to a Class Environmental Assessment (No. NR-AA-30) of an undertaking by the Ministry of Natural Resources for the activity of Timber Management on Crown Lands in Ontario.

Hearing held at the Offices of the Ontario Highway Transport Board, 10th Floor, 151 Bloor Street West, Toronto, Ontario, on Monday, May 25, 1992, commencing at 10:30 a.m.

VOLUME 381

BEFORE:

MRS. ANNE KOVEN	Chairman
MR. ELIE MARTEL	Member


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MR. P.D. McCUTCHEON	GEORGE NIXON
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---Upon commencing at 10:30 a.m.

MADAM CHAIR: Good morning.

MR. MOSQUIN: Good morning.

MADAM CHAIR: Please be seated.

Nice to see you, Mr. Mosquin.

MR. MOSQUIN: Well thank you. Nice to see you finally.

MADAM CHAIR: Finally. It's been a long haul, hasn't it.

MR. MOSQUIN: That's right.

MADAM CHAIR: What we do, Mr. Mosquin, is we ask our witnesses if they would like to affirm their evidence or be sworn in? Which do you prefer?

MR. MOSQUIN: It doesn't matter.

TED MOSQUIN; Affirmed.

MADAM CHAIR: Thank you, sir.

We will start our lunch break at 12:00, we normally break between 12:00 and 1:30, so that will give you some idea of how to pace your evidence.

I see that we have only the Ministry of Natural Resources here and so they will be the only ones who will be questioning you presumably.

MS. CAMPBELL: Madam Chair, I'm the articling student at the Canadian Environmental Law Association on behalf of Forests for Tomorrow. I

believe Mr. Lindgren might be in attendance today.

MADAM CHAIR: Oh, Rick Lindgren will be here as well.

MS. CAMPBELL: He may be asking questions as well.

MADAM CHAIR: All right, thank you. in that case there will be two parties asking questions, and we will be finished by today. I imagine we'll be finished in good time this afternoon.

But please begin, Mr. Mosquin.

THE WITNESS: Okay.

MADAM CHAIR: And we have your written evidence in front of us. In fact, we will give some of this an exhibit number.

THE WITNESS: Madam Chair, I brought one additional document. I made some notes for my oral presentation, I would like these to be entered also as a document and I have copies for you as well as for the --

MADAM CHAIR: All right. Then we'll put your material under the same exhibit number and give it A, B or...

THE WITNESS: This is dated May 24th. It's called Notes for Oral Presentation.

MADAM CHAIR: All right. Mr. Mosquin's

Exhibit 2232A will be notes for his oral presentation dated...

THE WITNESS: May 24th.

MADAM CHAIR: May 24th, 1992. And how many pages are in that document?

THE WITNESS: Yes. 16 pages.

MADAM CHAIR: 16 pages?

THE WITNESS: Plus some ancillary appendix which is short, an additional 12 pages from the document called Canada Country Study of Biodiversity, Version 1.1.

---EXHIBIT NO. 2232A: 16-page document titled: Notes for Oral Presentation and 12-page excerpt from Canada Country Study of Biodiversity, Version 1.1 dated May 24, 1992.

MADAM CHAIR: Okay. Exhibit 2232B will be -- did you say there was another document you wished to --

THE WITNESS: Yes. I also want to submit a document called the Madawaska Highlands Regional Trust, the Ministry many copies of this already, it's 64 pages.

MADAM CHAIR: And what's the date on that?

THE WITNESS: It's dated January 25th, 1988.

MADAM CHAIR: Thank you.

---EXHIBIT NO. 2232B: 64-page document titled: The Madawaska Highlands Regional Trust, dated January 25, 1988.

THE WITNESS: And lastly, I have this Canada Country Study of Biodiversity, Draft Version 1.1, the entire document here, and it's dated April, 1992 and it has 282 pages.

MADAM CHAIR: And who's the author of that?

THE WITNESS: Myself and an economist, Peter Whiting. Peter Whiting of Ottawa.

---EXHIBIT NO. 2232C: 282-page document titled: Canada Country Study of Biodiversity, Draft Version 1.1 dated April, 1992.

MADAM CHAIR: And then we have material that you had sent us to read in advance of your presentation. And why don't we make that --

THE WITNESS: Yes. There were two dated April 12th and May 20th.

MADAM CHAIR: That's right. Your letter to me of April the 12th, 1992 including the point of your evidence and some attached material will become Exhibit 2232D.

---EXHIBIT NO. 2232D: Letter to EAB dated April 12th, 1992 including point of evidence and attached material.

MADAM CHAIR: Also we have your curriculum vitae.

THE WITNESS: Yes.

MADAM CHAIR: Why don't we make that Exhibit 2232E.

---EXHIBIT NO. 2232E: Curriculum vitae of Ted Mosquin.

THE WITNESS: And I've also sent you 37 documents, copies of, with a covering letter that is dated -- I don't have it right here, just sent it last week. It's called 37 Documents Related to Efforts to Influence the Lanark County Timber Management Plan betwen 1987 and 1992.

So that's an exhibit.

MADAM CHAIR: Is this this material, Mr. Pascoe?

MR. PASCOE: It is.

MADAM CHAIR: All right, we have that bound.

MR. MARTEL: We only have one copy of that.

MADAM CHAIR: Yes. Okay, this will be Exhibit 2232F, and the title is: 37 Documents Related to Efforts to Influence the Lanark County Timber Management Plan between 1987 and 1992.

---EXHIBIT NO. 2332F: Bound document titled: 37 Documents Related to Efforts to Influence the Lanark County Timber Management Plan between 1987 and 1992.

MADAM CHAIR: And finally, we have the interrogatories, all right, and your response and that is dated May 20th, the accompanying letter is dated May 20th, 1992.

THE WITNESS: Correct.

MADAM CHAIR: And these will be Exhibit 2232G.

---EXHIBIT NO. 2332G: Interrogatories and response by Ted Mosquin, accompanying letter dated May 20, 1992.

THE WITNESS: And can I refer to three other documents here which I will be referring to?

MADAM CHAIR: All right. And which are those?

THE WITNESS: One is Professional Standards for All Forestry Professionals in Canada dated February, 1992.

MADAM CHAIR: Do we have that, Mr. Pascoe, from the OPFA.

MR. PASCOE: I don't believe so. I will have to check.

MADAM CHAIR: We will have Mr. Pascoe check the exhibits list for that. We might already

have that as an exhibit.

Perhaps you could give that to Mr. Pascoe, Mr. Mosquin. Thank you.

THE WITNESS: And also one that you haven't as an exhibit, it's called Biodiversity: Overview and Implications for Forest Land Management prepared by Ian Methven, Rettons Research Limited for Ontario Forest Industries Association, March, 1992.

MADAM CHAIR: And do we have an exhibit number for that?

THE WITNESS: Not on my copy, though...

MADAM CHAIR: Mr. Pascoe, could you check that as well.

THE WITNESS: I received this as part of the process, so it certainly has a number.

MS. BLASTORAH: Madam Chair, that was provided I think fairly recently.

THE WITNESS: Yes.

MS. BLASTORAH: By the Industry Association as an answer to an undertaking. I don't know whether it's been marked by the Board or not.

MADAM CHAIR: I don't think it has been.

All right. Why don't we mark -- you'll be referring to that, Mr. Mosquin.

THE WITNESS: Yes.

MADAM CHAIR: Let's give that an exhibit number, 2233. And could you read the title and the author and the date.

THE WITNESS: It's called Biodiversity: Overview and Implications for Forest Land Management prepared by Ian R. Methven, Rettons Research Limited for Ontario Forest Industries Association, March, 1992.

MADAM CHAIR: Okay. Mr. Pascoe, could you remember to tell Mr. Cassidy that this document is an exhibit.

THE WITNESS: 33 pages.

MADAM CHAIR: Thank you.

---EXHIBIT NO. 2233: 33-page document titled: Biodiversity: Overview and Implications for Forest Land Management prepared by Ian R. Methven, Rettons Research Limited for Ontario Forest Industries Association, March, 1992 with covering letter.

MS. BLASTORAH: Madam Chair, there was a covering letter that went with that.

THE WITNESS: Yes, that's here too actually, I have that. There is a covering letter.

MADAM CHAIR: And the covering letter will be part of Exhibit 2233.

THE WITNESS: Yes.

MADAM CHAIR: Did you say there was a

third document, Mr. Mosquin?

THE WITNESS: Well, yes, there is this item by Raymond Chipeniuk, C-h-i-p-e-n-i-u-k, and it's called Changes in the Extent of Unroaded Wilderness in Canada, ca 1970 to 1988, and it's available from the Heritage Resources Centre.

MADAM CHAIR: All right. And would you like an exhibit number for that?

THE WITNESS: (Nodding affirmatively)

MADAM CHAIR: Okay. That will be exhibit 2234.

---EXHIBIT NO. 2234: document titled: Changes in the Extent of Unroaded Wilderness in Canada, ca 1970 to 1988 by Raymond Chipeniuk.

THE WITNESS: Two maps.

MADAM CHAIR: Two maps. Are you leaving these maps with us?

THE WITNESS: Yes.

MADAM CHAIR: Okay.

THE WITNESS: This is Tweed District Map dated 1985 -- March, 1985.

MADAM CHAIR: What's the scale of that map?

THE WITNESS: Yes, 1:100,000. And secondly the Carleton Place Administrative District Map

scale of 1:150,000, and it's not the current map, it's the one that they put out last -- I don't know the date.

MR. MARTEL: We will give those A and B?

THE WITNESS: 1985 probably, roughly.

MADAM CHAIR: Why don't we query 1985 and if the Ministry of Natural Resources is able to confirm that date...

The Tweed District Map will become Exhibit 2235A and the Carleton Place Map will become Exhibit 2235B.

---EXHIBIT NO. 2235A: Tweed District Map.

---EXHIBIT NO. 2235B: Carleton Place Administrative District Map.

MADAM CHAIR: Okay, Mr. Mosquin, ready when you are.

THE WITNESS: Thank you very much. Thank you.

First of all, I want to thank you, the Board, for allowing me the whole day, I appreciate that very much.

And while I've submitted two witness statements already, I'm going to narrow my comments today to the timbering in the area of the undertaking. I would estimate that 95 per cent of my comments are

going to relate directly to this matter and the other five per cent will relate to intricately linked matters and which should have a bearing on the terms and conditions.

And I have structured my presentation into three parts. One is context because I believe that the driving force for the terms and conditions should be what's happening to the planet and, in particular, the role forests play in ameliorating what's happening to the planet, and then specifically in the area of the undertaking, what does this mean for the terms and conditions in the area of the undertaking.

Then I -- so, and then I will deal with the terms and conditions. I sent you 15 last week and I've added six Thursday and Friday as I was working on this package doing additional documents and they are in these notes for my presentation, these additional six.

And lastly, I will deal with the Lanark County Timber Management Plan, lateral experiences and, hence, I submit to you those 37 documents and I want to thank the Ministry of Natural Resources for sending me that interrogatory. So it focused my mind more clearly as to what I should really present in my oral evidence.

I understand my role here is to assist

the Board and to present facts as I understand them, to present my opinions based on these facts and my knowledge and the reasons for these opinions. This I've tried to do.

I wanted to comment briefly on the nature of facts. Some people don't understand I think the exact nature of fact. Everything that's been put to this Board, every opinion, every matter, every document is a matter of fact and I consider that my opinions that are presented here flow from that material, aside from also my general knowledge.

Now, the question is how to allocate my time. Now, we are looking here at ten to eleven and I'm very mindful, I will be watching that clock. I'm glad it's put there on that column.

And I thought that maybe one hour for context, and I think I can reduce that to three quarters of an hour, I can reduce it, it would include questions; two hours for the terms and conditions, and two hours for the Lanark County Timber Management Plan, this would include questions.

Does that sound all right?

MADAM CHAIR: Yes. If we think that some of the points aren't relevant or we feel the pace needs to be changed, then we will certainly let you know.

THE WITNESS: Well, I must say that I have a habit of speeding along in my thinking sometimes so you're supposed to stop me from time to time if it's going too fast.

MADAM CHAIR: All right, we will.

THE WITNESS: Thank you. Now, I want to comment on the area of the undertaking. This phrase has come up all the time, all the time, yes. Now, I see this phrase having an ecological dimension for it becomes less meaningful if it's given an ecological dimension.

That is, the area of the undertaking is inseparable from the sectoral ecosystem, larger world in which the area of the undertaking finds itself, it's effective climate, migratory birds in South America, survival of carnivores, they move around, carbon dioxide, sink functions of standing forests and things of this nature, and I think that the way to understand and comprehend the area of the undertaking is to go out in a space shuttle - and be lucky if anybody would consider themselves lucky enough to get out in a space shuttle - look back and see the planet and say: There's a little line around there and it's called the area of the undertaking and we're supposed to write terms and conditions for that little place, and what

does that mean. So you have to see it in terms of the whole.

Hence, the terms and conditions, the things that will drive I think has to be this, what's our responsibility in relation to the whole, aside from our responsibility to the people of Ontario, of course, that's understood. So that's the way I see the terms and conditions, the area of the undertaking.

I also want to just conclude my little introductory remarks here by saying that if there are any specific points that come up here in my presentation that I can't address here, I would be very happy to spend another half day or day or something with your staff or looking up something and providing it for the Board, so between now and roughly June 15th. So things may arise that I might not be able to address here.

So now I say to myself: Okay, let's move on then to Item 1 Contextual Framework for the Terms and Conditions. As I indicated these should drive the terms and conditions because they have to be founded in primary values. There's the phrase, they must be founded in primary values rather than instrumental values. That's the right sequence of valuation of what's important in those terms and conditions.

And I believe that the time has come in this earth, the way things are going, that every planning document, every major document that arises in society should be based on primary values.

This simply says that primary value resides in natural ecosystems and what's happening there is of far greater significance than people normally sense and that's what I say that should drive the terms and conditions. I refer to them as T&Cs in this document.

And I see the five major elements to the context. One - and I've mentioned and I won't mention it again, but I will mention it this one time - this massive human overpopulation. You know, it's like we're looking at 11,000 people per hour, additional three and a half -- every three days one additional Toronto, so this justifies the demand.

The Ministry makes arguments to say: Well, we have all this demand for timber so we have to cut it. I mean, there is no end to this. That's one element of context. I won't refer to that any more.

Secondly is the wide-spread belief, particularly among professional foresters, that people only are important and that forest ecosystems are for "use and stewardship" and I think that that is part of

the reason why the planet is really suffering today and in great danger in fact.

And, thirdly then, we have the actual facts of the matter, the accelerating degradation of ecological norms of the planet, that is the systems which create and sustain life, beauty and health. And, again, forestry is not addressing these matters in Canada and in other areas. May be they are moving to it, they are under pressure, but they are not addressing it. And I will be saying more about this later.

So we have a degradation of overall ecological integrity across the landscapes of Canada and the world. We are having loss of many ecosystems, we have regional extirpations of species, migratory birds, large carnivores in Ontario tend to be going down in numbers, except of course if they are managed then the Ministry does make sure that they do survive.

We have some things that you cannot control like chemical fallout and ozone. The forested lands of Ontario are being under assault not just by forestry exploitation, technology, techniques and policies, we have this stuff falling out of the sky that this Board cannot really address. I recognize that, that's ozone loss for example.

I read somewhere that someone was saying that the boreal forest may be singed yellow in the near future if this isn't addressing, but unfortunately it's not something that you people can address in your terms and conditions.

And there's fourthly, the context, is this pervasive use of language of exploitation, and I have a specific term and condition that I'm going to suggest to you on this which reinforces and justifies the exploitation and utility approach to forestry rather than saying: Hey, there's something of primal value here that we have to rethink our valuation system.

And lastly, and again I can address this, lack of overall planning strategy in Ontario to guide the Board in creating terms and conditions. You know, you're looking at half the organism. There is all this land inbetween, around which -- so it's tough, and I have a suggestion later on for that.

So, again, I have something to say on Items 2, 3, 4 and 5 of these five major items, but no more on Item 1.

And so I say to myself, you know, we have all these documents in the world, people say: Well, this is a reasonable document. Well, why -- how come

the Great Lakes are dying if we have got all these reasonable documents and so on. And some things are improving, but on the whole things have been going downhill.

So what constitutes being reasonable. And I think that the way to answer the question is, I have it in here: What are the most surpassing and important values that the T&Cs - terms and conditions - have to speak to. And personally I think, and I make the case, others have made the case, that the primary values reside in normal systems, normal ecological systems on the planet, that's the reason why we're here having this conversation.

So I see it -- put this at the front end here. I say the Environmental Assessment Board has three options in the way you can conceptualize the framework for your terms and conditions. See, I have no ideas what your terms and conditions will contain and people have put in their terms and conditions here, I don't know how far you're going to go in putting guidelines in and so on, and how much is going to be left for down the road.

So I put this framework in here and I said that the three options are, first, you adopt an ecocentric framework, putting primary values in natural

systems, planetory ecosphere, its sectoral systems and recognize that these are most important and more important in fact than any organisms living in the area of the undertaking, and jobs and other such things. Take that as a prime point.

Secondly, you could adopt the utilitarian MNR framework. There's no one hundred per cent or nearly a hundred per cent. There is a lot of words in there that say that's something happening but in real life it isn't happening, or some combination of MNR and OFIA terms and conditions and so on.

So, in other words, this assumes -- those terms and conditions assume that forests have only an instrumental value, they don't have primary values for maintaining the planetary systems which sustain us all.

And thirdly, adopt a two-tier or hierarchical approach to this value and this is the only reasonable thing to do I think considering the way the world is going. The challenge would be: How do you do it, I mean, how do you sort of do this. And I have a suggestion further down.

So that you put the most important things first, make sure those terms and conditions are outlined there, and then you do all these instrumental things which are important for jobs and for communities

and also, so you handle those and you get into all these nitty-gritty things of how to timber in this area or that, what is ecologically sound, what isn't. Well, I didn't get into that myself because that could be another 45 terms and conditions.

So that all being said, I was going to reiterate it but I think I've have already made my point, that first natural ecosystems are primary; and, secondly -- yes: How to judge deviations from the norm. Yes, I want to introduce the notion of "norms of the planet". What's normal for planet earth and humanity. A lot of people say they know where they're going and progressing and this sort of thing, but it's really normal, what has stood the test of time for three and a half million years. And those are the natural systems and all their forms of life and the things that life does.

So deviations from this norm is a criterion for judging the impact of timber management planning, and you have to -- the only question you have to ask is, like: How much deviation shall we allow the MNR to put on to the land, how much -- because they're deviating from what they call the 1750 norm, when the earth was -- when Canada was "normal" in the evolutionary sense earth was normal in 1750, but that

was questioned by some people here, but those are minor things.

But normally the processes, the functions of planet earth were moving ahead, things were clean and healthy and this type of thing. So anyhow deviations from the norm is a notion that has to be looked at in the area of the undertaking to say: How much of a deviation are the terms and conditions going to regulate or judge or make or restrict the MNR. That's the key thing, how do you make these judgments. And I say there are criteria on how to make this work, and it can be done. I think it's feasible, though I've been speaking to some people in the Ministry and they say it's just not so. However, I don't really believe that for a second. So the norms of earth.

I have Scientific Criteria for What Constitutes Normal. See, how do you know that's normal. So the Canada Country Study of Biodiversity, to outline that, the Board can refer to that and they can refer to pages 1 to 11, 32 to 42 and 56 to 68 of these documents, they're part of this document that has been filed here but we expand on these, but on normal, how do you judge.

Well, sometimes you can't judge, it's impossible to judge. For example, I've indicated here

that are four major scientific criteria. You can look at any area in the area of the undertaking and you can say: Ah, this is five square miles of some watershed but can we judge how normal this place is, how beautiful, does it still contain primary values, yes or no.

So you say -- well, you ask these questions, you say: Are genes being lost, you know. Well, you answer that in part by surrogate matters and you say: Well, yes, because there were some species here that were at the limits of their range but they're not there any more, so probably some species are being -- some genes are being lost. But normally you can't say very much because it takes heavy scientific and expensive scientific research to determine this, very expensive and time consuming.

Secondly you can say: Are species being lost. The Ministry has a lot of data but they've only got data on a few things. I might add, you know, when we discovered the red-shouldered hawk in Lanark County and we went down to the Ministry offices they said: You guys don't even have a red-shouldered hawk's nest in Lanark County up in northwest Lavant Township, they said: What's a red-shouldered hawk. That was the response we got.

So the level of and lack of knowledge on are species being lost, it's a lack of knowledge, but for the largest species it can be determined.

Thirdly, are ecosystems being lost and modified. And this whole question again, how serious. Then you get to old growth forests and norms of earth that I've talked about.

And, lastly, are functions being lost or modified. Now, this is an area that people have not yet sensed that it isn't because the organisms are there in the area of the undertaking, it's because what they're doing for the ecology of the planet that's what's really important, what are they doing, what are they doing for the soil, what are they doing for the trees, what are the trees doing for the fungi.

It is such an incredible complexity of "functions" and each organism has a function, every bacteria, every amoeba, toads, all these little organisms, big ones too, they do their thing out there and, hence, they're helpful. So you say, are functions being lost.

Well, that's a toughy. I've given the Board -- in the last evidence I gave you a list of 21 functions to look at to say: Well, how do you know symbiosis is being affected. Did you see one, yes.

But then you can get down to the species and you can actually answer that question to some degree because symbiosis, for example, lichens are a symbiotic association and they produce nitrogen and it rains down on the boreal forest in various amounts, uses fertilizer, so when lichens are gone from the clearcuts, you know, they're not doing it. So, yes, you can say sometimes when functions are being lost. Have carnivores vanished from an area. So the function of living and life evolving as a result of animals eating some other animals is being lost, yes. So there is a way of judging these things.

A few words -- I had here a few words about ecological functions of organisms and ecosystems and I see I've already read that.

I say that the really important question is in this, what are species doing - well, I said that already - doing for the productivity health and beauty of ecosystems on the planet, and again I refer to some annexes.

And just to -- loss of functions equals loss of normal ecological systems. When species go their functions go.

I might say that the fungi are disappearing in Europe at a colossal rate, they've been

reduced to some low percentage of the -- the forest floor fungi that control microhizal relationships with the trees and make the trees grow better, they're becoming extinct at a colossal rate. But not because of timber management, I might add, but because of rain falling from the sky. So it's something that, sometimes you can't control some of these things.

Now, all right. And then I want to reemphasize the complexity of functions. And some people say: Well, these functions, you know, that's all very nice and neat but I put it down in how many buckets of water per hour is this or what does it mean kind of thing.

And I have at the bottom of that page 4 there, and I have submitted this fairly, we're talking about food chains, we're talking about carbon dioxide production and oxygen, we're talking good growth, healthy forests, we're talking about lots of species being present.

So these functions that take place of what organisms do, they create the world and then it controls them, so it's a kind of a big synergistic way that this system operates.

Yes, I mentioned some examples where loss of functions is applicable to the area of the

undertaking. I mentioned when the lichens vanish is one kind of time. And so on raptors, for example, the Ministry is well aware that raptors vanish and, in fact, the Pembroke District, Ministry of Natural Resources Pembroke District is referred to by local biologists as quote "a hawk district", Pembroke District. This has been so systematically logged and consistently over years that there aren't any of these canopy forests, except there may be tiny fragments here and there that exist for Cooper's hawks and other raptors and maybe red-shouldered hawks, they're very rare there because they simply don't have habitat, things have been over managed.

So I talk about loss of ecological functions, but it's fair to say that there are gains in ecological functions. For example, timber management can result in more deer, so you have more "herbivary" means that there are the deer because of something to do. And moose habitat is in the same category.

I guess what this means is that if the MNR focuses on particular species they can make an increase or decrease but then you have to say: What is the effect on the other functions of the ecosystem of prime value.

And then lastly in my context - and I see

it's only ten after eleven, I'm happy to see ten after eleven - is that I want to just only a page and a little, but 67 and 68.

People think that natural beauty of ecosystems and the ecosphere generally is a kind of a -- well, it's in the eye of the beholder kind of thing, and it's cast aside as -- you know, you can't say strictly speaking beauty is a function, but we have identified it, after we have gone through two years of thinking about functions and what organisms do for the world, okay, what ecosystems do for the world, we have come to the conclusion that you have to protect natural beauty because it is the ultimate function and it's -- in fact, in the words of Stan Rowe an eminent Canadian ecologist, he said, you know, maybe it's the only function that really counts when you come right down to it.

And I thought, well, isn't that an interesting perception - but since it's only ten after eleven, I have only three quarters of a page here - natural beauty, we have included it as a function of organisms and I'm reading this to say that it can only be secured by allocating lands for the purposes of protecting natural beauty. It is the ultimate coming together of all functions in all forms and all

activities of life on the surface of the earth, and I'm just going to read this into the record. It says:

"Natural beauty is herein included among the functions of biodiversity, although it is a function unlike the others. Many of the above functions are essential for its existence. Natural beauty as described here is not merely a human perspective or judgment, rather it is far more inclusive. It derives from the presence and consequences of wholeness and completeness of the planetary ecosphere and its workings.

A related notion is ecological integrity. Some unique aspects or elements of the natural beauty functions so-called are: animal and plant form, the obvious grace of animal movement, swimming, flight, running, colours of birds, fish, butterflies, flowers. These have come into being without humans exercising their judgment or power.

At a higher level - that is at a supraorganismic level, the function of beauty includes the overall presence and

appearance of entire ecosystems and encompasses flowing waters of rivers and streams, waterfalls, the incessant pounding of oceanic surf..."

That's outside the hearing.

"...gentle and rugged landscapes, cloud formations, winds and weather. Where recognizing beauty is a function of surpassing value, we are able to sense that when contemplating biodiversity, ininfinitely more is at hand than the mere production of biomass or the struggle for survival of individuals.

The notion or observation that beauty has an obverse side helps visualizing the idea as one of the more encompassing functions of biodiversity and of the planetary ecosphere as a whole.

Thus, ugliness is present when organisms or ecosystems are reduced to fragments or parts. For example, 'a severed hand is an ugly thing'...", it comes from a famous poem by a California poet:

"...a cut-off tree or head'. At the

level of ecosystems, the function of beauty can be said to be reduced when a road is cut through a previously whole or beautiful forest, when a fully developed old forest is clearcut, when a river is severely poisoned below a chemical plant or pulp mill, when a lake is sterilized by acid rain or when a coral reef disintegrates due to erosion or sedimentation and/or the presence of industrial or agricultural toxic chemicals.

And I mention then the philosophical and ethical dimension of beauty, subject of discussion among philosophers and some scientists. It is an emerging perception that natural beauty should be thought of as something that, not just in the sense of Lady Bird Johnson, you know, is there flowers of beauty, but something far more primal, far more fundamental. So that is the extent of my context.

I just want to say one thing, that I cannot see where this context within which you frame those terms and conditions cannot but be the driving force. I think it would be good for communities, it would be good for people, it would be good for Ontario

that this -- that the planetary norms, beauty and all the things that make it up, the functions, the workings of natural systems that these things be secured to some reasonable extent in the Province of Ontario in the area of the undertaking.

Quarter after eleven, that's good. So with that I will move on to some of the specifics.

Okay. The first term and condition -- I've suggested 15 and I have made up a couple of more and they are in here. Prefacing my first term and condition, that is to say, that I can't second guess what you people are going to put in the terms and conditions so it's hard for me. I have the Ministry's terms and conditions, we have the other parties that are part of this process.

So I say: Well, maybe those are the elements of terms and conditions, that you people have asked them a lot of questions, a lot of subjects, and so that gives some clues, but ultimately what form of your document will take is hard to -- what cannot be second guessed.

So, therefore, this first suggestion of a provincial panel cannot presume what your terms and conditions will create -- will include. So, therefore, I've included things for this provincial panel to do

and to address immediately upon the conclusion of your work.

That might include some of the things that you are going to be addressing, is what I'm getting at here, so when I go through what I see this panel doing, that should be borne in mind, that I may be over extending my assumptions on how far you're going to go.

What I'm suggesting in this first one is that the first priority after the terms and conditions come into effect would be to set up a provincial panel or whatever it would be called, a guidelines panel, to review land use guidelines, district land use guidelines, on the table there, and to take the terms and conditions you have created and say: Okay, we're going to create a province-wide set of guidelines which will govern all timber management planning activities in the area of the undertaking. I would like to see such a panel which is free from the influence of local districts.

It has to be provincial panel and it would flow from your document and it would flow from legislation that exists that governs Ministry policy right now, and there's quite a bit of it, the Forestry Act, the Timber Act and other such things that have to

be looked at, and any other legislation.

So I see the guidelines that this particular provincial panel would address, would take on, would be writing guidelines to cover the following: policy, targets and objectives for implementing strategy in the many activity areas of the MNR. That's a big territory.

Defining the ecological criteria for the zoning categories, zoning because I'm requesting further down here that the MNR zone Crown land for ecosystem retention, they allocate lands so that these -- there have to be criteria. So this panel would set those criteria.

They should also set the per cent of land allocated for wilderness zones generally, okay; i.e., specific selections will be made in the timber management planning process. So I'm saying that the details of where wilderness or roadless areas will be for the purposes of dealing with these primary values, protecting those, will be worked out on a district by district basis in timber management plans, but somebody has to tell the district how much of your Crown land is going to go to this. You know, somewhere that has to be done with the provincial overview of what's happening to the province as a whole.

So, hence, I see this as something that this - doubt that your terms and conditions will do that, maybe they will, I don't want to be presumptive - but if we could it would be great.

But, you know, allocations for tourism, and here we have areas of natural beauty. See, one doesn't have to justify natural beauty on the grounds that I was doing it, on the grounds of ecological function, one can do it for instrumental reasons here, but in the meantime so it will fulfill this other thing, these other functions of ecosystems criteria that I was describing earlier.

So we can have an instrumental reason for saying -- that is a very practical reason because people love natural beauty, so you allocate forests that would otherwise be cut for that, bang, pristine ecosystems.

Allocations of old growth and where again will this take place. I see this committee saying to the Ministry, say: Carleton Place District, you will have 30 per cent of yours allocated to old growth or 20, whatever, you know, or maybe all of it because it's a very small area. We will be getting back to that, whatever, and some other area may have 10 per cent, so... But somewhere that has to be addressed because

the Ministry -- it will not be addressed at the local level.

Corridors, what about guidelines for wildlife corridors. I know there's a lot of evidence on record here about the value of wildlife corridors, like, who's going to timber where and when, so there have to be some rules, and I think those can certainly be sought from people that know something about there.

Specialized ecosystems, these can be characterized even now I think. I can go to details but there are lots of little spots across the landscapes of Ontario which contain unique assemblages of species, they're just there, they're doing their own little things. So that has to be built in.

So somewhere somebody needs some -- and we do that, that can be done. On the basis of my own knowledge, that can be done.

The readjustment of timber targets, now this is another thing. You go to Carleton Place timber management plan you have these timber targets in the district land use guidelines, "x" number of so many cubic metres. So we go to the Ministry and we say: Holy. Do you have to, you know, live with this and they say: Yes, that's policy. You want to change it you go to Toronto. And that's what we've been told.

So somewhere these targets have to be adjusted downwards.

And I suppose when you come right down to it, whatever those landscape management units are, that has to be worked out, that will be part of the job of this group.

The allocations for each forest management unit should have areas free from fragmentation; i.e., roadless areas. Again these can be integrated with natural beauty and biodiversity and all these other things. So there a lot of coming together in terms of fulfilling these requirements. As we accumulate more and more purposes that these lands are protected for fundamental ecological reasons, they can serve more and more utility functions for people.

So there is a, you might say, economic basis for justifying the zoning and front-end zoning of Crown land, I'm talking about provincial parks.

Now, how to handle restoration of degraded ecosystems. There is no doubt that such a panel would say: Well, look down there in the Madawaska Highlands there's an area over here which, if it weren't -- if we could -- if it could be allowed to restore itself would become part of an enormous area here where this species could live, that species could

live, that one and that one, and these things could happen, so -- and the restoration zone has to be handled.

And the details of public participation. Now, this is one thing, if you people can handle that, this business of public participation that's fine, if that's handled at this level, but it has to go to -- down the road to some other group, then this seems to be the group to handle that, and I make the point later here that we have a situation now where we have this across Canada National Parks too where the authorities, the people responsible for these areas, they go to local people and local people have a certain view of what's important, but they don't go to national -- you don't have a hearing in Ottawa called Banff National Park type of thing. So this question -- actually I shouldn't speak to that here because I have more to say about that more specifically just a little later.

Ah. So guidelines should consider the interests of the province, that is all the people, while recognizing local needs and economies, et cetera, in the provincial context. This is why I suggested that alternative No. 3 earlier is the one to follow, have this hierarchicy so that the needs of people in communities can be addressed from this side and the

needs of the communities can be addressed from that side. Somewhere the two shall meet, they will have to meet somehow. That's the challenge: How do you make those two meet so that humanity can continue, human enterprise can continue without going downhill as unfortunately it is doing.

I've already made the point that the present land use guidelines should not be revised by districts, it is too narrow a focus on timber and timber people take control and they run things. So -- and also I want to bring up the very, very critical matter of the code of ethics, and I'm going to deal with that in some detail shortly -- I will deal with that later.

So that's my first suggestion for a specific interest, maybe it's a term -- yeah, I think it's a term and condition that you people would say: Okay. The Board would say, we are going to suggest to the Government of Ontario that this is the process, next stage of the process.

Next item 2, allocation of land for ecosystem biodiversity, ecosphere protection - I threw all those words in there - i.e., ecological integrity survival. And I made the case - I will make the case again - I have already stated my case because of what

organisms do and what ecosystems do for the planet and they make a good world for us, in fact, they made us, so that's taken for crying out loud, so...

But I said to myself, there have never been documents about -- the Brundtland Commission said a minimum of 12 per cent or words to that effect should be secured in each nation, something like that. But knowing what I know about fragmentation of landscapes and knowing what I know about what happens to species within, let's say, the 12 per cent formula, you'd say this just isn't going to work on the basis of one subjective assessment of the situation, it will be too small areas that the earth will not survive, these planetary systems and norms could not survive with only 12 per cent being allocated for that.

Say: Well, what about some other percentage, and so your mind goes through this and you talk with your friends and you talk with very colleges and there is a controversy goes on all the time and this is not an easily resolvable matter, it's not something that you can just say: Okay, we're going to measure it like that.

So I suggest 33 per cent. And when I first raised it with the Canadian Parks and Wilderness Society they said: Ridiculous, totally unrealistic.

There is no way that this is going to happen, 33 per cent of the planet should be protected. So what does that mean, that means 66 per cent should be converted or used or become just an instrument for humanity.

So I have concluded that that 33 per cent is reasonable, it's a reasonable allocation objective. It's logical -- it's not logical, but it's reasonable and a case, powerful case in my view, can be made for 33 per cent of the area of the undertaking to be allocated for the protection of the norms of the planet net because that's primary.

Without the norms of our earth humanity is just going to continue sliding the way it's going, converting, loosing functions, destroying the -- now we've got the ozone layer going and we're going to have forests going, they already are going. So I think 33 per cent and, you know, that would be great.

That is what we're talking about now, and we're saying that -- and further, I originally had in here 33 per cent -- like protection of ecological integrity 33 per cent meant humans living in reasonable relationship with nature. Like the Lanark County for example is a good example, Haliburton Highlands, this sort of place, Muskoka maybe.

And then I thought: Well, maybe 33 per

cent would just be allowed to go to straight conversion, straight elimination of ecological norms like agriculture, mega -- total agriculture, total industry and so on, total pollution wipe out, that type of thing like. But then I revised that.

So my view now is that there should be 33 per cent for securing of ecological norms and 66 per cent -- we should organize our affairs as humans that we, in fact, live in - not in balance, that's not a fair statement - but in harmony with the forests of our earth. We should not degrade and remove them. So 33 per cent and 66 per cent.

So in the area of the undertaking the 66 per cent would be where people gained their instrument, their jobs, their livelihood, et cetera, et cetera, not that the other 33 per cent wouldn't also generate jobs and things like that because you'd have wilderness, you'd have tourists, you'd have people hunting there, all sorts of things would be happening there, but still the integrity of that 33 per cent would be left.

So that's -- my second one was, under term and condition, it's spelled out here and for reasons and I use the word allocation. I think it's not fair to use the word set aside. The word set aside is an absolute nonsense word, it's not a good word

because you don't set it aside, set it aside from what, you can't set it aside from the most important thing that you have to do about the planet. It's better to say you're setting aside the 66 per cent for exploitation. That's what's better, to say it that way rather than say it the other way around. So that's a very bad term to use in any document. I have never, never used it, I always use the word allocation because it has to have some purpose.

Item No. 3, amendment to provincial legislation - I see it's only 11:30, great - I will be able to get to Kingston today and visit my son down there. He's visiting his family.

So amendments to provincial legislation. I call this No. 3. I have changed it a little from my stuff I sent because I wasn't quite sure which provincial legislation I wanted to address, but I found out in the last few days, so I'm going to deal with that.

I'm asking in this one that the Board reduce the legal authority of registered professional foresters over timber management plans. In my research on this -- this has been an ongoing problem in the Lanark County plan, and in research into this in the last few days however, I find out that there is no

requirement for registered professional foresters to sign timber management plans, which are government plans, they're only a requirement in Timber Act to sign it for private forest management, for private agreements.

But it has sort of evolved that now there's a little quote in the Act -- the Crown Timber Act that says: I hereby sign and declare and so on, so, that's actually put onto o every timber management plan, that's a government timber management plan for districts as a whole, but there's no legal requirement for it.

So it needn't be there, but it's practice. I guess if it's done in the private sector it might as well be done in the government sector, and I want to go into some details here.

Okay. I know these are very harsh words but I have the evidence here to back it up and I want to go over that evidence. I say that the reasons for concluding that registered professional foresters are not competent to or ethical enough to do this is because they say so themselves, okay, that's the reason. So I'm not making a claim, I'm saying, let's look at the claim they're making in their code of ethics and let's look at those, and I want to go over

these code of ethics in some detail.

Foresters have defined the limits and scope of the ethical commitment and I have found that only people, their ethical commitment is to people alone and it excludes responsibility for sustaining systems of the planet that are found on forestry lands, in this case the area of the undertaking.

And this document which brought back - did you bring it back, it's here somewhere is it - it's okay, I actually typed out the stuff I want to quote from it, so I'm going to use this, okay.

So, they've defined it themselves and this codes, I will just analyse this code, and its powerful implications to timbering in the area of the undertaking. It says -- there's five parts, there's an introduction, there's a code of ethics in two pages under --

MADAM CHAIR: Excuse me, Mr. Mosquin, where did this come from?

THE WITNESS: It was sent to me by -- I could find out. It was sent to me.

MADAM CHAIR: The title of it is Professional Standards for All Forestry Professionals in Canada.

THE WITNESS: Yes.

MADAM CHAIR: And it says that it's being promoted by the Professional Forester Associations of Canada.

THE WITNESS: Yes.

MADAM CHAIR: And the Canadian Institute of Forestry.

THE WITNESS: Yes. It's quite explicit actually where it comes from. It mentions the groups that are behind it and that there was a big process that led to this document.

MADAM CHAIR: Well, what you want to use from this document is in your oral evidence?

THE WITNESS: Yes, it's in here.

MADAM CHAIR: All right. Go ahead then.

THE WITNESS: I will proceed.

MS. BLASTORAH: Madam Chair, just before we move on, since I don't have a copy of the document, it's not clear from the description I heard and what's in Mr. Mosquin's interrogatory answers whether this is a document that actually was prepared by one or both of the Professional Foresters Association of Canada and the Canadian Forestry Institute, or whether it's something that's put out by some other group outlining what their view is of the proposals.

I'm not asking that he do that right now,

I understand Mr. Mosquin is not sure, but if at some point we could get some clarification of that, that would be helpful.

MADAM CHAIR: That's fine. I don't know if we have to make it an exhibit because we are going to be referring to it in the oral submission, anything that he wishes to say.

Do you want this to be made an exhibit, Ms. Blastorah?

MS. BLASTORAH: I'm not asking that it be made an exhibit, just for clarity of where the comments are coming from. It depends on how Mr. Mosquin presents it. Maybe we can wait until he makes his comments and see.

MADAM CHAIR: Why don't you go ahead, Mr. Mosquin, and we will hear what you have to say. In your presentation it's not clear to me because we don't know who's involved in this submission.

THE WITNESS: Anyhow, what I'm doing is I've selected quotes from the professional standards document and then I've made an observation on these quotes. This is the way I'm proceeding at this point.

So in the introduction, which is two pages, fairly large type face, not very much material in here but it's very carefully thought out obviously.

It says, in the introduction first paragraph, it says:

"The practice of forestry is being challenged to a greater degree today than it has ever been in the past. Concerns will continue to intensify and expand. Clashes between forestry issues and environmental issues will tend to be resolved in favour of the environment strictly on the basis that, in the absence of knowledge, the majority of individuals will choose virtue as the safest position."

So my observation is, surely every forestry issue is also an environmental issue. What is the advantage to RFPs, to their professional groups from making such a distinction it seems, think about that, and what has virtue to do with it. And this is in the lead paragraph of the introduction.

Now, the introduction also states that:

"The professional standards presented here are elaborated to an extensive consultation process of subcommittees on ethics set up on by each professional association and through the participation of numerous individuals across Canada."

And it further states that:

"These ethics, principles and standards of practice come under an umbrella heading of professional standards and, as such, are intended to shape and govern the behaviour of individuals."

And then I've stressed that, and then they say:

"We...", they,

"...represent core beliefs and values. Forestry professionals across Canada support and adhere to and promote."

And I've italicized thoses point. That's a very key statement.

So my observation is, intensive focus process leading to this code of ethics has been thorough so the standards do represent the true scope of values and attitudes held by RFPs towards their work and the extent of their ethical responsibilities.

I will turn -- that's my conclusion from that statement. So now I go to the code of ethics and it says:

"This code defines the conduct of Canadian forestry professionals in their

relations with the public, employers, employees, clients and each other."

My observation is that note that there's a complete lack of recognition of the surpassing ethical values of natural ecosystems and ecosphere. Focus is steadfastly on humanity as if it were the only object of ethical concern, that is the only thing that really had a value.

The point is that if it is the low valuation or lack of valuation in this case of the planet and its ecosystem norms, it's these things that are killing the earth. Foresters just don't see that they have responsibility to address this in their professional work.

In other words, environment is excluded that's what I'm saying, the environment, the ecology, what forests do for the planet is excluded from what this code defines.

I don't know how -- whoever wrote this got away with that, because I know there are some young foresters around that don't agree with this at all, but nevertheless it is in the code of ethics.

And further in the code of ethics again:

"It...", that is a code,

"...promotes just and honorable

professional and human relationships, mutual conference and competent service to society."

And I made the observation that again no reference to the values of forest ecosystems, implying that these only have utility, are only utility objects valued for exploitation. In other words, here we have the instrumental valuation of the world verus the other value of the world.

So, and further still in the code of ethics it says:

"Forestry professionals regard stewardship of the forest environment as their primary responsibility. This entails managing the land and associated forest resources to meet the objectives of the owner without compromising the opportunity of present and future generations and the utility and value of the forests to society."

Very consistent with what came before, the utility value. My observation is stewartship sounds nice but it's defined under glossary, it's also defined in the back of the document there as:

"The husbanding of resources of the

forest for the benefit of others."

So again only people have value and not ecosystems. That is they're saying that ecosystems only good and useful when they have instrumental value to people, not that they're good because they're more important than people, which I'm making the case for here, more important than people.

And I should say, before I go on, that it's my view, that my conclusion that when ecosystems, when the controlling systems of our planet are recognized as being more important than humans then humans have a much better future; if they're not recognized, then we are left to the consequences which are emerging in many areas of the planet today. Not a good situation.

Further then it says:

"The commitment and responsibility of forestry professionals is to express opinions on forestry matters only on the basis of knowledge, skill, experiences and honest conviction and to refute bias or exaggerated statements."

Yes, so that's a good one, that's a good ethic, and I'm going to come back to this Lanark County timber management plan to see how it's been applied,

it's interesting, some phrases and contents of some of the letters here.

I can obviously devote some time to this, it's only a quarter to 12:00.

Under Item C, forestry principles, there is a set of five principles that they put in this document too at one page, a set of five principles. One of which is:

> "Canadian forestry professionals believe that forest management must be consistent or must be consistent that planned allocation of land and resources considering all functions of the forest."

I've lists 21 functions of the forest back there, maybe they didn't all apply to forests, most of them certainly did. And I'm sure that these weren't considered in the planning decision.

So while it's a good principle and everyone knows here, and I'm sure the Board is probably fed up with listening to principles and principles, everybody can put to you their principles, but you don't have to pay attention to your principles, you can state them like good politicians do all the time. So on the other hand some people honor their principles.

Some conclusions are: There's a large

literature out there today on environmental ethics but apparently it's irrelevant to the profession of forestry. And this literature on environmental ethics is trying to address the terrible situation that exists now where humanity does not value the planet, it only values its instrumentally, it doesn't value it because, hey, it's really important. So the planet is in huge trouble and forestry can and should provide part of the answer. So, you know, they should change these code of ethics and get on with doing that, allocating that 33 per cent of the planet, at least that, it might make, just might do the trick. It might be enough.

And I also am concluding, and I know that other professionals, that forestry's people aren't the only professionals, in the world's, there's all kinds of e ecologists, there's all kinds of people around, geographers for example who are deeply involved in land use, landscape ecologists, many people who have this wider ethical horizon, they do take into consideration that they have responsibility to the people/earth relationship not just the people/people, people and God, or people and planet too. They should take responsibility for that and all that that entails.

So there are professionals like that and it's my view that they should be brought into the

timber management planning process in the area of the undertaking and made part of the process and they should have authority.

And I think that somehow I've saw in -- the Forests for Tomorrow had something like that in and I think one other group had something like that, one of the other major groups here that are giving evidence.

But I think that is the way to go in the terms and conditions. And this has to do -- in the legal, I assume that there were legal necessities for the timber management plans of the districts, of the units to be signed by registered professional foresters but I couldn't find it in my Crown Timber Act, it only dealt with private. So presumably this Board is free to comment on that.

Getting down to some less -- some more specific maybe things. Like, you know, I could assume the worst case scenario here, I could say: Well, maybe none of this is going to come to pass and say: What do you do in the meantime, if the MNR type of terms and conditions do finally emerge from this long process.

So I have an item here, No. 4, it says road removal and ecosystem restoration and I want to see some explicit references to road removal. The goal is to retain historical systems and norms.

We have a problem ATVs. You know, Ministry builds a new road, is proposing a new road up north of -- it's called the Dobie Lake Road now and they say they're going to close it off, but in the meantime there is this tremendous fragmentation, and the meantime there isn't anyone in this world that is going to keep those ATV people off that road when it's built, they're going to use it. So road removal.

And goal, again the goal is -- and so I note here, and I think that the matter of roads - I know this is kind of pushing matters - some time people want to go out and fish there and they say we want a road there, but some people in the province, if you add province-wide, provincial people would say: No, hey, we want wilderness. So it is a big conflict.

But, you know, Crown land do belong to all the people of Ontario and while local people, there has to be a way found to provide employment, economic development in these areas while retaining the norms of the planet in those areas.

Those people are lucky up in northern Ontario there who do have such a clean environment, they can eat their fish, they can still do these things. Why, not because of something the people did, no, it's because of the norms of the earth which are

functioning there, still working, they're still clean.

So there has to be a way found, to achieve, and I have 33 per cent goal here, you know, but that's a goal -- probably a good one I think it can become -- it's not possible to attain 33 per cent down in Essex County and Carleton and so on. There's only 3 per cent woodlands left there and so, but northern Ontario is very lucky.

Okay, No. 5. I think that the way to go is to replace this corrosive term, narrow, timber management plans. That doesn't do credit to the Ministry of Natural Resources even and one of the reasons they're in so much trouble, they're on this Titanic type of, you know, running around on this ship and in the meantime there's a hole busted in the thing and the ship is going down and, you know, they still say timber management plan.

Well, just -- instead of focussing like this -- instead of focussing like that, now let's just focus like that and say: Ah, there's other stuff here is important too, ah. So that's the way to go. And this is why I'm arguing that, and not keep to these names, comphrensive ecological land use plan. Why even comprehensive land use plan or something like that, to replace this term which isn't good for society to have

a thing like timber management plan as a title for the whole process because it also directs local people who participate to think: Oh, timber, yeah, that's the really important thing, whereas there are things of primal and fundamental value that are involved, and they don't sense them because they're being told once you use this language it just reinforces the process and people get into mindset, and this is what we mean by everyone by ideology, you now, this is propaganda and ideology territory, when you use certain language people automatically do certain things.

And you have to say: Is it good for people to do that, where are things going, are they doing it to themselves or what and so on. So I think that this new name would help to steer and pull the MNR towards ecosystem planning, which is the way the thing should go instead of -- shore up their planning.

Now, Item 6, small parcels of Crown land. We are going to 12:30 I think; correct?

MADAM CHAIR: Twelve. We break from 12:00 until 1:30 for lunch.

THE WITNESS: Oh. Well, that's okay, that is good. Now, small parcels of Crown land in the area of the undertaking. Okay, here's a problem. From time to time I have gone and with others, we've gone

into an area of beautiful wild country, there is 200 acres of private land and we say, you know -- and somebody's proposed to build cottages on it, you know.

In the meantime you have this large area around which still is ecologically integral, is still healthy, the game is there, the forests are there, it's not being seriously eroded. So how can the Ministry be held to ensure that these -- that somewhere in Ontario or in reasonable places in Ontario there is a mechanism in place for shoring up these little things where you can destroy ecological, these larger so-called wilderness blocks or whatever you call them, these larger integral areas where the ecology of the earth is still working. How can you do that? So this is...

And because private land parcels are one of the things that stand in the way, so I go to the Ministry, and I did this in Pembroke District, and I said: Why don't you guys buy this, these people are asking $800,000 - and I'll show you the area on the map - they say: We don't have any money. There's no way we will get $800,000 from the Ontario government, don't be ridiculous, don't expect it.

So I will show you this map of this area here. Tweed map, this large area here in Tweed District and this is equally green with this side

almost, but here's a chunk of private land here - this is the one I'm referring to - this specific area is on the west side of NorCan Lake, it's privately held and you can see that where you can have a wonderful area where ecological integrity and the norms of our planet could still be protected there.

The Government of Ontario still has the option of saying: Yes, we're going to apply ecological thinking to all the area of the undertaking, let's say, we can still apply it here better than here, here, here, here, and you go on all the way to the Quebec border. You see, you can still have a little bit of this stuff, but they have no way of acquiring this land except by difficult negotiations. So this is what this is meant to address.

That is -- yeah, okay, that's right. If you look at this map you say: Well, see these parcels of Crown land here, look here, one here, here -- dah dah, dah, dah, dah dah -- all through here there's little parcels, the Ministry should have the authority to directly trade or sell those lands, take the money, but should be directly for the purpose of shoring up significant areas where there is potential for ecological integrity.

Look at this area here, for example, 1,

2, 3, 4, 5, 6 white spots. In the meantime there are these little green spots around here.

So if a mechanism exists in the terms and conditions that would make it easy for the Ministry to address this so that you don't have an additional 2,000 people suddenly -- the proposal here was to put 2,000 people in here, make it a huge golf course, a ski complex, a town of 2,000 people.

There's nobody here now, the only way you can access this is from the north, and you can get to it with a four-wheel drive from the south. So there should be a way.

There's another area here, you can see it; another area here, here, here and so on, and vast other areas like this, of course. Of course in northern Ontario it's reversed, I mean private part -- Crown land is all, is everywhere and private land is in little tiny parcels, so...

MR. MARTEL: Is that part of the 33 per cent you're advocating or is that in addition to?

THE WITNESS: Yes, yes. The answer is yes. It would be, yes. I would see parts of this as part of the 33 per cent.

MR. MARTEL: And how would you do that by expropriation?

THE WITNESS: Well, I suggest a method here, that was the way I was suggesting, that there be a mechanism that these people -- that the Ministry could sell these other parcels to raise the money to buy this. That's what I'm suggesting. No, expropriation is not in the cards, but...

So the conclusion was that the terms and conditions should set the stage to allow MNR to trade these lands or sell them, these private -- these pieces that it has in here. Like here they are, you can see them throughout these maps, and if you just go across the landscape of southern Ontario there's quite a lot of them.

And mind you, some can't be sold, should not be sold, but this is a judgment call on the basis of some ecologists that's going to have to -- well, David Euler is here, he could go down and take a look at it, for example, he could say: Is it worth us holding on to this because mostly these small areas of Crown land are timbered from time to time.

I know one area -- so they're not exactly there for the protection of the ecology of the earth, they're there for their instrumental value, they're again seen in that light. Enough on that one.

MADAM CHAIR: Mr. Mosquin, is this a good

time for you to break for lunch, since you will be beginning a new point?

THE WITNESS: Yes, sure.

MADAM CHAIR: Okay. This is moving along fairly quickly.

THE WITNESS: Good.

MADAM CHAIR: So I think by 2:30 you're likely to be finished the remainder of your presentation and the parties should be ready with their questions early afternoon.

MS. BLASTORAH: Madam Chair, just before we break for lunch two small items. You asked whether we would be able to identify the date on the one map that was marked by Mr. Mosquin.

MADAM CHAIR: Yes.

MS. BLASTORAH: I have a date of March 20th, 1988 which is on the other side of the document.

MADAM CHAIR: That's the Tweed District map or the Carleton Place?

MS. BLASTORAH: Carleton Place District map.

MADAM CHAIR: That's 1988.

MS. BLASTORAH: Yes. I believe that's the date of the map, it's the date given on the other side which is information about the district.

And the second thing is the document provided by Dr. Mosquin, the code of ethics - or I've forgotten the exact title - the Professional Standards for All Forestry Professionals in Canada. I wasn't going to be ask that that be marked as an exhibit, but I think since he has quoted directly from portions of that entire document, perhaps we should make the document an exhibit and attempt to discover perhaps through Dr. Mosquin who the author of that is.

MADAM CHAIR: All right. This will become being Exhibit 2236. The title page reads Professional Standards for All Forestry Professionals in Canada, and rather than an author on the title page it states: Promoted by the Professional Forester Associations of Canada and the Canadian Institute of Forestry, and it's dated February, 1992 and is about 9 pages in length.

---EXHIBIT NO. 2236: Nine-page document titled: Professional Standards for All Forestry Professionals in Canada, title page states: Promoted by the Professional Forester Associations of Canada and the Canadian Institute of Forestry, dated February, 1992.

MS. BLASTORAH: Dr. Mosquin, do you think you would be able to discern who the author of that is, whether it's one or both of those organizations?

THE WITNESS: I think there were three groups mentioned in that documents -- two or three.

MADAM CHAIR: On the title page we have two.

THE WITNESS: In the text somewhere there's some reference to Canadian Institute of Forestry was one. Where did that come from, did that arrive fairly recently in my -- was it as a result of my request?

MS. BLASTORAH: Well, perhaps we could discern that at a later time either through Mr. Mosquin or through someone else. I just thought it should be marked since in fact portions of it had been read into the transcript.

MADAM CHAIR: Thank you. We will be back at 1:30.

---Luncheon recess at 12:00 p.m.

---On resuming at 1:30 p.m.

MADAM CHAIR: Please be seated.

Good afternoon.

THE WITNESS: Good afternoon. Could I --

MADAM CHAIR: Yes, go ahead.

THE WITNESS: Very well. I will start with Item 7 and the intention is that Ministry of Natural Resources re: large carnivore survival. Now,

one of the issues that we face is sometimes -- well, being quite specific, in that kind we would like to have a wolf population remain there permanently and the Ministry fragmenting a little corner of the county with more roads and we know what that does to that particular species - there are some other species involved too.

But -- so we would like to -- well, I mentioned this other example too, where hawk desert which has been created in Pembroke District and we would like to have the Ministry declare its intentions somewhere in the process, timber management process - it's one of those documents, one of those public participation documents that they send out to the public prior to the first plan being put together by the planning team - somewhere there they should declare their intentions these important species because the large carnivores are in big trouble across Canada and they're going to be in more trouble down the road. The ranges are shrinking and it is largely because of habitat fragmentation.

So some reference I think should be made to this, and perhaps that down the road provincial committee can further delineate the parts of the province where this sort of thing should have received

more attention.

No. 8, the -- ah, here's a major positive way in which the whole process can lead to greater protection of ecosystems and better respect for the relationship within humanity and the earth, and it is by replacement of this terminology. The documents are full of it, the timber management plan is full of it, every planning document in the Ministry is full of this terminology, and I've gone through a few documents and lifted out a few for the Board to look at.

And, you know, I don't want to spend much time with this because I've really laid out here in writing, but there are several here that I want to look at in particular.

I have dealt with the timber management plan, its stakeholders -- the notion that, the implication that only people are stakeholders when land use is being decided on is false, it's ficticious, it is dangerous because it results in the gradual attrition and destruction of the homes and places to live and the functions of these other stakeholders.

And there's -- according to our Canada Study on Biodiversity there is roughly 150,000 species in Canada, that of course includes marine areas, but I would venture to surmise that there are 10,000 in the

area of the undertaking easily and they all have a stake in securing and ensuring perpetuating the health of the systems within which people are living. So the notion of stakeholders is a very dangerous one.

I would like to -- management, I don't mind management so much but there's a better word than -- the word planning should be used whenever possible. We've dealt with stewardship but it implies that the stewards know what they're doing and I'm convinced this is not the case usually.

Improvement cut. Well, certainly it doesn't focus in on ecosystems, it focuses in on improving wood. So that's a small part of the big picture.

So these are terms. Tending, sounds like you're being mother to the forest, tending it and so on. Harvesting is sometimes applicable and not such a bad word, and resources which implies exploitable objects is also a concern and I find if you do a computer search for resources, every time you do a thing, it says what -- when you talk, what do you mean. Do you mean trees. You change it to trees. So you don't have to imply that an object that you're dealing with is a resource because it's not always clear.

Also by not using some of these words you

find that you speak to the matter quite correctly, that you aren't being editorial and you aren't being advocative, you're not being ideological, you actually are talking about the world as it is if you avoid these ideological and editorial phrases.

And our wildlife implies ownership which is not the case. Managing wilderness is an oxymoron, of course, because wilderness is the condition of the earth which is the normal condition. It's impossible, technically you can't manage wilderness.

And overmature forests, I mean such forests are the norms of planet earth. There was an overmature forest in Nova Scotia and B.C. when Europeans arrived on the shores.

Our natural heritage, I mean it doesn't place primary values in ecosystem and in any sense it's not true, we're nature's heritage, nature is not our heritage. It simply is not true. So that phrase should be avoided. Yes -- and so on, that's it. I'll leave that for the time.

I'm just asking that the Board review these and consider it when you're drafting your terms and conditions, that whenever you can speak to the actual thing you're speaking to rather than using these editorial phrases and so on which are so part of our

every day vocabulary unfortunately.

Of course there's 300 years of use of these words and that's understandable, but this is what this current environmental awareness is about, is to try to change language. And I must say that the women's movement went through the same process early on in the early 70s and there were books written by some people in the women's movements to say: Hey, let's challenge all these words and let's use correct words, let's use ones that aren't, you know, ideological and so on.

Ecosystem values maps. Well, this is consistent with the next item which should be Item 9 -- yes, it's item 9, with changing over the forest timber management plans to comprehensive ecological land use plans this would be consistent. I think that they should be in these terms and conditions or in the following provincial guidelines, whichever, however some direction given to the MNR as to what values should be eligible for inclusion in these maps. So there should be kind of a list, and anyone -- there are people around that can produce these lists quite well.

No. 10, seeding of logged areas. Now, I know that they make -- in our area the forester makes a virtue out of this and says that he probably points to

this logging area and he says we have seeded this to clover, and I think that what the MNR should be required to do in the provincial guidelines is to try to retain the biodiversity of the particular forest unit that they're dealing with and they should -- in a nutshell, they should allow the natural forest that's adjacent to it to seed in. That would be the first cheapest formula, but that should be the way to go. If necessary, plant a few trees of a local type so that nature can get on with reasserting the normal ecosystem for the region and it's consistent with ecological thinking.

No. 11, cumulative impacts. It seems to me that we have here -- we're talking here about a mechanism or and item that should be dealt in to the timber -- into the guidelines, yes, to require the MNR to make a statement on cumulative impacts, like, what's happening to the ecosystems here over time.

There should be -- and I haven't got a specific focus on this particular one, but it's -- I know that, and I mentioned - there is eight or nine items there - I know that in Pembroke District and in the Carleton Place District we are seeing the results of cumulative impacts of past years, where the fauna is changing significantly, will continue to change unless

there's some kind of public document on cumulative impacts. I don't think it will take that much expense quite frankly.

Now, this Item 12 I consider a very important one and it's kind of an intractable problem and I hope that the Board can address this somehow to define for the Ministry the appropriate scope and level of public participation.

We know what happens, we get -- I've attended the last two -- I've attended all the public participation meetings at the Carleton Place - well nearly all - the last two timber management plans, the last one to this one, and I would like to see greater emphasis - I'm just making a suggestion here - placed on provincial polls as to what the people of Ontario want. How of course you recognize that, there are hard reality of local people to make a living.

So therein lies -- some kind of a refocus I think is required, and I raise that because of the need again to set in motion a better process to restore or retain more areas of Ontario, of the area of the undertaking in this case, to a situation where the ecology of the land will continue to be healthy down the road.

Item 14, tourism values of wilderness

lands. Now, we have requested this in our area that -- we know that our northwest part of Carleton Place District is a very nice and beautiful area and this little bit of green here, this spot of green here on this map, the Carleton Place map is part of the green which is lands that the Ministry purchased back from private owners 20, 30 or 40 years ago and, to a large extent, reverted although it has been logged off and on but the roads in there have been minor and we went into there and as a result of the first timber management planning process 1987 and discovered a most fantastically beautiful area in Ontario which is certainly deserving of protection because of its natural beauty alone, in my opinion.

But it's potential for tourism is being attritioned away because of continuing roads. The Dobie Lake Road again, it's this whole thing, a major road, the last remaining - absolutely beautiful, you can't call it pristine certainly not, but a beautiful area - and if you get another gravel road in there that is mostly -- roughly diagonally across from the other road, that will follow some other roads along the way, but it's another impact.

These tourism values are just being lost and there should be something in the -- some kind of

guidelines to the Ministry to -- and they have to be created I think at the provincial level. I know they have a booklet, Tourism, which I've read - I haven't read it recently - and I've studied that booklet but it's inadequate in my view.

No. 15, anticipatory provisions.

MADAM CHAIR: Was this No. 14, Mr. Mosquin?

THE WITNESS: Yes, that was No. 14.

MADAM CHAIR: I think No. 14 was No. 13; wasn't it?

THE WITNESS: Well, you see, I'm not certain but I recognize -- I hoped people wouldn't didn't notice it, but I --

MADAM CHAIR: Oh, you skipped it.

THE WITNESS: Well, I skipped it inadvertently and then I thought I would keep the same numbering.

MADAM CHAIR: All right.

THE WITNESS: Just happened, then I thought should I change it to the new one, then I would have to explain the new numbers. So it's an omission.

So No. 15 then. Now, this is -- Mr. Martel, this is my link to the 33 per cent, okay, you asked about that 33 per cent, whether that green area I

was pointing to means the 33, but this relates to the 33 per cent south of the Ottawa River. How do you protect 33 per cent of lands of Ontario for the protection of the ecology of the province.

And I think that here is the only possible politically feasible mechanism to do it and this one speaks to it in a rather cryptic manner.

We have a situation in Ontario where you people, the Board here, is addressing timber management, a huge chunk of the province, most of the Crown -- all of Crown lands.

Then interspaced and mainly south of the Ottawa River we have these tremendous area of private lands, so...

You have the Sewell Commission now reviewing the Planning Act and trying -- have hearings across the province and I've attended several of them, but there is no overall planning, and you can't have ecosystem or land-based landscape planning unless both sides of the equation are considered. So how do you address this.

And I suggest in here that at minimum, at least perhaps the staff of the EA and staff of the Sewell Commission should meet, see where there's some common ground, see if there's a way that there could be

some linkage established with the participation and maye somewhere down the road this can be addressed in more of a collective political level, I don't know, but there has to be some kind of a coming together so that the whole of Ontario can be -- somewhere this should be addressed.

I have brought with myself several copies of the Madawaska Highlands Trust Proposal and you've got those with you there in which, back in 1988 when we wrote that document that's exactly what we tried to do, we tried to find a mechanism and tried to suggest what needs to be done legally in Ontario to give the Ministry of Natural Resources more powers to govern how private people who have perfectly good rights to their land can say to the Government of Ontario, through the Ministry of Natural Resources, they can say, I don't want my land -- I want my land to be part of the protection of the planet. I want to dedicate it to that, I want to attach a covenant to it, I want to sell it and I want to make money on it, but I want to make sure this covenant is attached, this covenant will not be challenged in court, let's say, 10 years by a very good lawyer and that's done. I understand 20 years is as long as these land covenants can last, according to the legislation of Ontario, and I understand also the

Ontario Heritage Act is being looked at by some people in that area.

But the fact of the matter -- we've just had a meeting on regional trusts in which I attended at Guelph late March - which I allude to in here - in which there is an effort to try to get -- to give -- to allow private people to bring their land under some kind of an umbrella, give them some way of addressing this business of protecting the ecology of at least a small piece of land, their land down the road.

And trusts are growing like fury in the United States. I understand there's an awful lot of new trusts being formed and they have been -- most of them, I understand, have been formed for the purpose of land assembly and people want to leave their land in "natural state" which really does fulfill most of these requirements and criteria that I'm saying are very important, these primary values I think have to be protected.

So there should be a way of addressing this. And I guess as far as the terms and conditions, I said I wouldn't stray too far away, but what I'm saying is that the Board and staff maybe of the Sewell Commission collectively review this matter and see if appropriate anticipatory provisions can be made so that

something maybe will be generated that down the road this whole business can be addressed at a more comprehensive level. Hence, comprehensive ecological land use planning for the Province of Ontario should come to pass, it would be good for people, in my view, good for the future of the province.

Now, that's it for that one, and I might just add that the Ministry -- you know, the Madawaska Highlands Trust has been side tracked completely - I won't go into the history of that, it would make a great story, it has been a great story.

The forest management agreements are the same, eh, the Ministry enters into forest management agreements with private people. So we have a mechanism of doing it, what's lacking is we don't have a regional trust act, we don't have a thing that the ordinary person like myself who might have a hundred acres or a thousand for whatever can say: Can I trust the legal mechanism of the Province of Ontario if I do so allocate my lands for ever into the future for the protection of the ecology of the planet, this little piece, and the answer is no the way it stands today.

So that's why we tried to say that the Ministry should do it. Of course, there's another wrinkle to this and it's inside, that it is the Income

Tax Act does not recognize bits of land for this purpose as gifts, they're not gifts, they become taxable.

And so some additional items of terms and conditions then would be -- 16 says: Should FMU boundaries be changed to ecosystem boundaries. And I want to express an opinion on that. In my view that if this guidelines, provincial guidelines can be -- can address this matter of per cent of areas to be out of logging, per cent roadless, per cent natural beauty, per cent old growth.

It seems to me that there would be no need to have boundaries follow the ecological boundaries; in other words, we could go with the administrative districts; in other words, administrative districts would adequately do it because the guidelines would roughly define where these areas would be, the old growth and so on.

No. 17, old growth conservation strategy. I guess it's the same as this item 16 essentially, which I'm saying that I know the province is engaged now in an old growth conservation strategy and there's a committee been set up and so on and they're going to be thinking about this, but if we do have this kind of planning which I had suggest here in terms and

conditions that I suggest here there would be no need because we would have adequate old growth in the province because we wouldn't have to really think about that, wouldn't have to spend money at it for one thing.

Definition of biodiversity, I raise this because I've been reading -- I've been perked by biodiversity for a long time and I've been reading up and I have all the definitions at my office there and we distilled out of them the appropriate definition -- it's in the Canada Country Study of Biodiversity, and I want to suggest to the Board that if you're going to be ruling on biodiversity that you carefully look at that definition of biodiversity in this Canada Country Stùdy because it doesn't leave anything out. Every other definition leaves something out, there's something missing in it. This is the only one which we've got all the aspects of biodiversity together and provided a context.

So I make some statements about some of these definitions, but -- and I want to bring your attention to one definition of biodiversity in this document which I referred to this morning Biodiversity: Overview and Implications of Forest Land Management prepared for the Ontario Forest Industry Association March, 1992.

And it is interesting that in the American Foresters Task Force Report they say here in 1991 defined biodiversity as:

"The variety and abundance of species, their genetic compositions and communities, ecosystems and landscapes in which they occur."

No mention of functions here, see, no mention of what all these things do for the planet. So I say that as an example of a definition of biodiversity which is kicking around in these documents and and the whole one which we offer in this Canada Country Study is the one that is complete.

Now, this modeling. I know that some phrases have been seen in the evidence, you know, these phrases, habitat supply analysis, wildlife habitat supply modeling methodologies, landscape modeling methodologies, biodiversity modeling have come up and immediately you think: Well, maybe the Ministry is going to be spending money on some of these things and how far -- is it realistic to try to model some of this, audit these forested ecosystems and make decisions from these modeling things. It's going cost money, first of all, to model, it's expensive, you have to hire somebody to do it.

And I bring to the Board the case, which I'm somewhat familiar with because they did a study of it, the Ministry of Environment water quality monitoring for lake capacity studies. Now, there are a series of documents on this, but I did a review of these in the past year on another project and we found out that MOE has been -- let's say, there were three or four different models for the lake capacity studies and these were supposed to predict the amount of cottages you could have on a lake based upon the water quality.

Well, about two years ago both the MOE and the Ministry of Municipal Affairs have stopped, they stopped this project, they split it up. The way they put it to me, we put it on the back burner because they couldn't do it, it wasn't producing -- it couldn't predict how many cottages should be on a lake based upon their modeling. Even though the models got more complex they kept getting more variables to it.

And the point I'm making is this: Here was the Ministry of Environment with the Ministry of Municipal Affairs conducting such an exercise with a certain objective but they were only looking at water quality, they weren't even looking at ecosystems, they weren't looking at species, they weren't looking at forests.

So it is an example of where you have to be extremely cautious when you say that, or someone in the Ministry might recommend or maybe some of the other intervenors recommended that some of this modeling would do the trick for determining some of these things.

The best approach is front-end zoning and leave them alone and try not to figure out mathematically what you're doing. It's not possible. Like, it's impossible to understand why the world is the way it is, you can only undo it but we can't -- we can redo it, but we can't understand why it works the way it does, except in a very superficial manner and modeling implies you're going to get into the deeper levels. I doubt if it would work. It's an opinion that I'm expressing here to the Board. So say when some of the evidence has to be looked at and reviewed in this light.

Featured species management is the last item - I think yes - on my list here. I want to include it in here because it's so much talked about and I have been opposed to featured species management in my day with a few involvements that I have had with the Ministry.

And if those guidelines that I suggest in

here and that roughly one third of Ontario be allocated for these purposes becomes a reality, this business of featured species management wouldn't be necessary, wouldn't be essential, except in some large cases maybe. I can see management for deer and obviously importance species that are obviously important like moose, and now we have featured species management for red-shouldered hawk and as far as I understand it's causing quite a lot of -- even monitoring of this red-shouldered hawk, just designed to provide the basis for featured species management is causing problems and causing harassment for the provincial we think. So it's a difficult territory.

But generally speaking an ecosystem approach would be the way to -- would resolve some of these management problems for some species, most species.

Lanark County timber management plan. Now, I have circulated these 37 documents, I have not circulated them, I have given them to the Board, and what I did for you is I put them all in order, I hope in order of date with the pressures that I was working under, and I'm going to try and get this done by half past two, it's my aim to.

It's a saga and it has certain

conclusions that one can draw, and I should say that I think this is probably a unique body of evidence before you. Probably -- I don't think that anyone else has assembled a series of documents probably that documented their involvement and reaction, involvement and reaction, and reaction and reaction and so on, and so we are now into the next timber management plan, so even if there is a little hiatus in this, but let's start in 1987.

And you look at the first document that's in there and write a nice letter to the district manager, we responded to the draft timber management plan. We write in the document -- letter, I forget the number of pages here, it's goes on and on, 19 pages -- 19-page response to the draft timber management plan.

And I only wanted -- I'll just cover some of the highlights here. In Lanark, in the unit we have 212 square kilometres of land in the area of the undertaking, 185 square kilometres are so-called productive forest land, 73 square kilometres licensed to D. W. Martin Logging Limited, 112 are usually tendered out to local people or to the -- you know, under contract and so on. So that's the general situation, it's not a very large area, the 12 square K.

I have made the point that -- I guess I

should just reiterate to make sure that we know what we're talking about, the Board knows where we're talking about. We're talk about these green patches in on this map here plus a few others which aren't of concern here except in another context.

I indicated the land was very beautiful and I should say to you that Tom Thompson would have painted Lavant Long Lake had he been there. Just incredible and beautiful place, especially in the spring when you climb one of the hills and look out over the -- wonderful place.

And the top of page 5 there you can see that the Ministry has "strayed" from -- the Ministry when they presented this, they said:

> "The Timber Management Management Process in the Ontario Ministry of Natural Resources has been designed to fulfill all requirements of the Environmental Assessment Act regarding public consultation and consideration of environmental implications."

Well, this is a statement that I must say has been repeated a number of times recent in public meetings and it is not correct to say that. It should state quite clearly, it seems to me when they make

statements about this, that MNR is operating under an exemption under the Environmental Assessment Act, they should say that. But there are some -- maybe legally one can make this statement and it's "technically legally correct", but in real life they're operating under an exemption from EA, that's my understanding. So we bring this to the Minister's attention.

Yes, here we are, we're at the bottom of that page:

"Timber management activities are planned to accommodate other resource values so that the balance of benefits are received from Ontario's Crown forests."

That's what they're supposed to do. And anyhow we challenge these principles. We say: Well, you know, you have these principles, so we see said to the Ministry, like, you put all these principles forth but in fact, you know, they're not true some of the items, so...

And, for example, in considering the environmental implications. It's very hard to speak about this because I see it in a different language here now, I mean it's hard to -- well, I will do the best I can I guess.

One of the things we did in this document

then we got and we challenged the notion that registered professional foresters to have the authority to prepare them; that is, we challenge the legal power and I'm not sure that I fully understood the Crown Act at that time that it simply stated that, in fact, that they didn't have the legal authority. So I now -- and one of the things that we brought up -- oh now, here's one of the more critical things.

At that time we -- the Ministry had presented in 1987 - this is now the Ministry - had presented four options and three of them were to build this Dobie Lake Road and one option was called the no-road option, option 4, and which they stated that they were opposed to this option because "it would reduce the amount of land we could log." This is what we got in the public meeting.

And in these options - and I'm talking about process now here - in its options the Ministry identified the pros and cons of each of the options and they provided the criteria for selecting their favourite option rather, and the criteria that is provided for its favour option, that is road construction in Crown lands was:

"1) access to areas eligible for harvest, renewal and maintenance; and.

2) accommodation of preliminary areas of concern and the costs of construction, maintenance, hauling, et cetera will also be valued."

That wasn't what I was supposed to read. I have to -- can I take a minute to collect my thoughts.

MADAM CHAIR: Go ahead, Mr. Mosquin.

THE WITNESS: Thank you.

Well, I can't get a proper focus on it right here, so I'm just going to say that on page 9 I would ask that the Board review our analysis of the situation. It is outlined here on page 8, 9 and, yes, the top of 10.

Generally it was -- they gave very simple reasons why - I don't know why I can't focus on it now - why the best option was to go ahead and build the road, and in the no-road option there was virtually no analysis, you know.

Here it is on the top of page 11, I'm sorry, no wonder, I was looking for it in the wrong place. The no-logging road option - I found myself, sorry about that - the pro reason for no-logging road is:

"the wilderness status of the area will

be maintained by not increasing access to the area,"

And the con is:

"no further road access will prevent the harvesting and subsequent silvicultural operations of most of the eligible area. This will exert a high unsustainable demand on other unlicensed accessed portions of the unit."

So that was their total rationale that they gave to the public, and we point out to them that this pro rationale -- this is very unfair, that the pro rationale omits a half a dozen perfectly good reasons why you shouldn't build a road there, they simply weren't putting these to the public, and we say what they are in here.

So I leave that and go -- but that's a point, is that this information that they put out to the public didn't have -- didn't really fairly analyse these options even in a point form like that with all the reasons.

Yes. I point out to the Board and we pointed out in here now that after the timber management plan was put in place we went out and looked at it and we found out: Hey, there was five

red-shouldered hawks here in Lavant Long Lake, we saw them overhead, and this is when we went down to the Ministry and discussed this with them and they said: What's a red-shouldered hawk.

So now we have another featured species added to the list of featured species which was one of the things, presumably positive things that have happened as a result of our...

And I understand lately they are going to have a habitat supply analysis of this area and so on, so obviously some things have happened as a result of that, but we are very concerned about the red-shouldered hawk, and so on and so on.

And so on page 19 of that document we asked for a deferral and we asked for a deferral of the decision to build the road, not a deferral of the timber management plan but we asked for a deferral, a formal deferral of the decision to build the road. And at the top of that -- very top of that paragraph it says, about the last sentence says:

> "In the months ahead CPAWS will be presenting to the Ministry a more detailed plan and rationale for long term use of this portion of Lavant Township."

Because we felt we couldn't just

criticize the Ministry, so we felt we had to give them a plan, so this is what we did, and this is the origin of the Madawaska Highlands Regional Trust Proposal.

We started here and then it extended over -- because we looked in the land in Frontenac County and we realized that there's a beautiful area back there which had been -- people drive around in Algonquin Park and everywhere else but they seem to go around this area, they leave this area out, and then we moved into the Madawaska thing.

So we did ask them to defer the road, that was -- and then we got a nice courteous reply from Mr. Murray and he said that it is unfortunate if your society was not aware of the initial phase and preparation of this plan, and implying of course that some of our concerns might have been addressed in the plan. I don't think they would have been, but it is -- the implication is there.

And then he writes us another letter, and then we write him a letter on July 24th, 1987 -- this is immediately after this timber management plan first draft was put on public display, and we say: Hey, you didn't respond to two or three of our items here and I gave him five items, so then I put it back in their ballpark.

And then they write to us again saying that - this documentation is all in here - saying to us, you people found this red-shouldered hawk, it's a national significant species, and in the third paragraph there they say:

"With regards to your other points, we would greatly appreciate learning of the exact nesting locations of the red-shouldered hawks."

So they put it back to us to go find this rare species. So, you know, in other words, meaning that -- one of our big concerns in that original proposal, in the initial thing there, this first document was that there was no inventory of all these other natural values of this planning unit, there was nothing, it just was timbering, and so they're saying: Well, you go out and do the inventory, so...

And I might add that the local naturalist club had been helping to do the inventory, but in the meantime they wrote red-shouldered hawk guidelines, they tightened them up a bit and -- well, all they're doing instead of protecting the ecosystems is putting little circles around these red-shouldered hawks' nests, and there's streamers and banners and I understand - and I haven't obtained the data - but the

red-shouldered hawks aren't coming back to some of these areas and one theory is that they're being harrassed by some of these people by using artificial calls to attract the males and getting them all hepped up and they don't come back to their nest.

And they put these big red streamers on the base of the trees to mark them off and red-shouldered hawks aren't colour blind, they see colour very well. These are little things that, you know, instead of sort of saying: Hey, go do the ecosystem thing that would, in our opinion, even at this time the Ministry - it's twenty after 2:00 I see, I hope I finish at 2:30 - the Ministry is kind of nickling and diming this species to death.

Instead of saying: Okay, we'll put a half mile by three quarters of a mile area around these 15 nests, these nests are live nests, let the -- there is a very simple solution to this.

And then we get other letters here -- yes, then I -- the next letter here is a letter to Jim McCready who is here today from Harry McLeod and the reason I have this letter here, the Board should know, is because I have to use the threat of using the Freedom of Information Act to get it, and I have more to say about it later.

And this is a letter to Jim McCready, Mr. McCready, and further down there's a response there saying that -- or at the base of this letter anyhow, a scribbled response saying that this is Harry's own personal opinions and Harry was part of the planning team, I know Harry personally, I know Jim personally too.

But then on November 23rd when the new plan came on display we could see that there was nothing in there that addressed our concerns of -- I forget how many we raised - 15 or so. So I wrote to Mr. Kerrio and we requested the Minister's intervention in the plan. We said, Mr. Minister, here's all our reasons and we outlined them in this thing -- in this letter to the Minister.

And one of the things we point out in this letter, that some of the best areas -- that we wanted to have some protection in our area, were in fact targeted in the 1988-2008 plan, they're right in there for timbering in the first -- in fact, in the first five years.

So I was pointing this out to the Minister and we asked him for his intervention. There's letters going on and on if you're interested, you want to pursue this in minor detail.

Well, in a nutshell we asked the Minister to please change the plan and to protect northwest Lavant Township we asked, and we attached a little map there showing where that area was.

And then another letter went to John Sellers on December 7th following that - I think it's quote a long letter to John Sellers - it's our official response to the timber management plan that was on public display. We give them an official response and we said: Okay, here we are and we talk about the Dobie Lake Road and all these other things. You know, it's all here and it would be -- I couldn't review all this, it would have to be the entire letter.

And here on page 3 of this letter we deal with some of these tractable problems of changing the zoning -- for forestry zoning designation on Crown lands and the Minister's response was, the district land use guidelines allows this policy and you're absolutely right, it is policy.

We repeated our concerns that they postpone logging in that particular part of Lanark County, we talk about timber targets and so on, brought to their attention old growth forests. Even back in that time we were bringing to their attention that we should protect some old growth forests.

The next letter here is a letter from the Rideau Valley Field Naturalists - I happen to know these people - they also ask for red-shouldered hawk habitat protection and they actually back up the position that the Canadian Parks and Wilderness Society took. We sent them our documents.

Then December 12th is a letter to Mr. John Sellers because he was saying that he didn't know which areas we wanted protected, he was saying to other people publicly. So we sent him a detailed map. It's unfortunate I don't have the map here, but it's in the Ministry office file or something, it's not that relevant as to what the exact lines on the map are.

So again we asked that no more commitments be made to logging in that area. We were trying to get this thing done before the plan came into effect. There was a deadline of April 1st, 1988 for the plan to be signed, so we were working against that deadline.

Then I have another letter here, kind of technical information letter for the Board, and there's another one that I got as a result of that letter, threat to use the Freedom of Information Act. It's a letter from -- it's a memorandum to Mr. McCready from Mr. McLeod again, and this contains a lot of

nitty-gritty stuff, quite a technical letter, arguing for why they should leave some mature forest in that area.

And it's a very interesting list, quite a good letter, and he asks us for allocation, yes, and some lands for that purpose and so on. He asked for some other things too.

Then we have a letter which I wrote to the Ottawa Citizen here as evidence while it contains -- because it contains some interesting information on sawmills and things like that which we were reading about in the press which was provided by the Ministry.

And then again another letter goes to Mr. Kerrio telling the Minister that every concern we raised was ignored, this is the letter of April -- of December 23rd. So we're asking the Minister to do something. We're taking it up to the political level, so -- and then we offered to come see the Minister but we didn't get a response to that, he didn't see us of course.

So, and then I have another letter here dated January 5th, memorandum to Harry McLeod from Mr. McCready and in which Mr. McLeod is essentially rebuffed, okay. He said: No, but he says at the end

he's confident that many of Mr. McLeod's concerns will be addressed.

Then there's another internal letter which went to Rene Jones from Mr. McLeod, the district biologist and was on the planning team at that time, and he brings to their attention that there are some guidelines in the province regarding old growth of five to 10 per cent apparently to be identified as old growth. Apparently these guidelines weren't being followed. So it's another internal memo.

And then Mr. Harry McLeod's boss then writes the letter to Mr. McCready here - this is the chief wildlife supervisor - and this is the first time he's written a letter as far as I know on this in which he backs the position of the foresters, says these things that Mr. McLeod are saying aren't really that significant. He glosses over them and so on.

Twenty-five minutes to three, I'll aim for 25 minutes, if I can.

So then here is, on January 29th, zero is approaching, April 1st, so we request a formal letter to Mr. Sellers to try to get these letters which I have already referred to here, these internal letters. I formally request them from -- these planning documents from Mr. Sellers and delivered the letter to him on the

29th of January, 1988.

And then on February 3rd I put in a request for bump-up, okay, so this is the first time we did this, this is almost - this is to Byer, Chairman of the EAAC - and in desperation we put in a request for bump-up, not knowing fully what that implied, what jurisdiction the bump-up people could address, what authority they had, we didn't know for sure. We said, okay, let's go for that.

So again pulled out all the old letters and it says: The April 1st deadline is approaching. We reiterated all our reasons for this bump-up, including the one -- at the end Mr. Sellers called me up, the head district manager, and said you can't have any of that information you're going to have to go through the Freedom of Information Act.

So I immediately called the Freedom of Information people and got the documents to apply it, for this, we got that, so we can supply the EA Board with all the information, we wanted to dig into these internal files. So it was denied anyhow.

The reason again I wanted this information is to strengthen our case for bump-up and and loe and behold two days later I got a telephone call from Mr. Sellers changed his mind, come over and

pick the stuff up, you're welcome to it all, we will have a file ready for you. By the way when you come in we'll have a meeting with you.

So then I had a meeting also, so he had all his foresters there. And at that meeting I was sitting there and talking with the forestry staff and Mr. McLeod wasn't there and he walked into the room, inadvertently, he apparently wasn't invited - just talking about the process now - he said: Oh, what are you doing here? I says: Oh, well, this and that, I explained what I was doing. I said: We come to pick up these documents about the planning process.

He said: Well, I wrote an interesting letter, let's see if it's in there. So he did that right there in front of me. He says where is that letter I wrote on some of that. So then got this letter, this letter was reinserted in the file. So that was another thing.

So I wasn't going to have access to it and that's one of those letters that I had in here as saying how this internal input from the district biologist really wasn't considered.

And I have a letter to the Lanark area which is an interesting letter for its information because it was the contexture of the material.

And the next letter is from me -- from Mr. Kerrio and responding to my very detailed letters that was saying I wrote to him on November 23rd, December 23rd, and he gives me a response and he says things like this in there. So he sent this letter that was written by the staff of Carleton Place, the implications in fact here. He says:

> "I'm optimistic that through careful planning and monitoring of timber harvesting operations most of your concerns can be satisfactorily addressed."

And then he says - I love this one - he says:

> "With respect to your comments on the bias of the process to timber interests, you are aware that the timber management planning process will be reviewed in the near future by the Environmental Assessment Hearing Board. Under this hearing process, the adequacy of our timber management planning process will be subject to close public scrutiny. The Board will then provide its independent decisions on the adequacy of

the planning processing."

That was in 1988, anyhow, that was in the Minister's letter. I said that was a typical Minister's letter.

And February, Mr. Sellers writes us a letter thanking us for -- and one thing he said you will not - Oh yeah, here we are - one thing he says in here:

"You may not personally agree with what the planning process is doing for you but provincially this process is being used very successfully."

Well, doing it for me, like I wasn't representing a private interest to him and I wasn't even representing the interests of - I will get that back - I was representing the interests of Canadian Parks and Wilderness Society as a group because we met as a council frequently to discuss this thing, but basically I see myself at that time, even now, as representing the interests of the ecology of the planet, that's the truth.

So it's not a private interest like the other so-called private stakeholders putting cases to the Board. We don't speak any more as a group, as the Canadian Parks and Wilderness Society for our own

collective interests, you know, we're now in the position where we're speaking for the collectivity, for the interests of the rest of the planet, so...

But it's an interesting perception because people who have an instrumental view of these things they do also have an instrumental view, it's not the case. So I just wanted to make that point.

Following that there are some letters to Mr. Philip Byer, February 26th a letter to Dr. Philip Byer who is the Chairman of EAAC informing him that - from the Environmental Assessment Branch - informing him that they received a copy of our bump-up.

And then the next letter here is -- an interesting thing developed here is that we have March 11, 1988 which we have a memorandum to Mr. Douglas from Brian Ward of the EA Branch here informing that they have made a decision on our bump-up internally and they communicated this to the Ministry of Natural Resources. This was done on March 11, 1988 and their decision was that the Ministry had nothing to worry about, they could go ahead with their timber management plan.

And and then somebody in the office wrote a letter to him acknowledging, thanking us for our bump-up and saying that they're going to be instructing their staff to look into it, but they never got a copy

of this letter.

It says - originally signed the Ministry - but we were never informed of this, and neither did we ever get another letter from the EA Board, from the people, the administration people here or from the Ministry saying that they received our request for bump-up, never received it. The only reason I have these is because somebody in the Minister's office went -- moved ground in the office and files and found them and made copies and sent them to me in 1992.

So this matter actually was brought to Mr. Byer's attention earlier on because I attended one of his meetings here last spring I guess it was - that's correct - prior to that, it wasn't 1992, it must have been 1991 when I found out about the fact that they in fact had received -- when I first got my -- when I first learned that the Ministry of Environment in fact received this request for bump-up.

Okay. So, I would like to -- okay. But I've been speaking to Gary Galon was my contact and he's always still in the process, and maybe he thought it was -- somebody goofed anyhow.

So then in March of '88, in March of '88 I write a letter to Mr. Bradley in which I provided him

with the final reasons for requesting the designation, went into that, but we didn't sort of let it drop, we pursued it, and which I brought to the attention the evidence of this incident with the Ministry of Resources office, which Mr. McLeod's stuff -- the material wasn't provided to us.

And I presume that's -- I mean, we only received about that many documents, I mean that wasn't very much that we received, although I had access to stacks of stuff which and so on.

Then we next go way down to October, 1990, we are getting close to these times. So Mr. Sellers writes us a friendly letter. Our input counted he says and -- no, he didn't say that, but the raptor survey was initiated, so that I can say that because of our efforts the raptor survey was initiated, probably wouldn't have been any raptor survey otherwise. I bring that to the attention of the Board to show that our experience wasn't entirely for nought.

The Rideau Valley Field Naturalists writes a letter to Mr. Sellers with respect -- they now started monitoring these red-shouldered hawks nests, the local naturalist club, and then -- so they went to one of the places and they said: Look at all this, so there was this tremendous destruction and if you read

this letter from Mr. Kennett to Mr. Sellers describing the destruction of this one particular well-known red-shouldered hawknest which had been marked and the Ministry knew it was there.

And then there's a reply to Mr. Kennett from Mr. Sellers. He's including photocopies of this stuff.

Yes, and then here -- the next item is March, 1991 when I received a letter from the Honorable Ruth Grier and at first we -- very excellent response that I received from the Minister that said essentially: Hey, are you people still interested in getting this bump-up request considered that you have.

MADAM CHAIR: Excuse me, Mr. Mosquin, we have all of that on exhibit.

THE WITNESS: Yes, so I can move through it quicker, okay.

MADAM CHAIR: That's fine. We have got all of Dr. Byer's work on the EAAC bump-up review and correspondence with yourself and other groups who had asked for bump-up.

THE WITNESS: Yes. I will go through it more quickly, okay. And then unfortunately I didn't reply to her letter because we had a meeting, I said too bad, couldn't. We had a two or three-day meeting

and nobody had time to draft a complete reply. We had to go over all these documents and we were doing other things. Then she writes me another letter on August 14th, 1991. So then I said Linda I'm dropping - this is my wife, Linda - I said, I'm dropping everything, I'm going to write this thing.

So I called a meeting, we had another meeting of Canadian Parks and Wilderness staff in August of 1991 and we redrafted for the Honourable Ruth Grier an extensive record which goes on for 13 pages and we urged that -- we give her this information and said: Okay, here it is, and that's where it ended.

And on November 19th, 1991 Mrs. Grier wrote Wildlife Habitat Canada saying that our request had been denied and she gave the reasons in here, and indeed we had a meeting to discuss this letter and we reluctantly agreed the Minister was absolutely right, that there was no point in us getting a bump-up because the things, the items that process could have dealt with were very limited and most of our concerns - and it's right here in her letter - really have to do with Ministry policies and the system that were operating within the Ministry over which the Environmental Assessment process couldn't have jurisdiction, or they couldn't tackle these things.

So there we were. I said: Well, end of that, and that put piece of history behind us.

And so being the type of person that I am that wasn't the end of it because Dobie Lake Road was still on the agenda - and it's coming to the end of my material, I have almost nothing left except I have -- I don't have much left here - so I thought: Well, we've got a new government in the province and they're terribly worried about the budget, so I'm going to write. So I phoned around, phoned the Ministry of Natural Resources engineer and I phoned I says: What's happened to the road, and I said: Is it on your budget, how much are you spending this year on it. I tried to find out.

And they were very courteous to me and they gave me all the information, dah, dah, dah, dah, that I wanted and they told me, in fact, it wasn't being built, that some of it -- the bridge had been built across the north fork of the Clyde River and the main road hadn't been built.

So I write a letter to Mr. Rae which is entitled: A Good Way to Reduce Expenditures in 1992 Provincial Budget. So then I write this letter, and I snooped around and found out that there would be $150,000 for each of two years to build this road,

presumably public money. So anyhow I write one and Mr. Rae wrote me a very nice reply and said -- so on, very sympathetic.

And then in March the president of -- or immediate past president, Bill Kennett again wrote another letter. I sent Bill my copies of all this stuff, and so then he writes another letter on the same subject.

And the last item in here that I want to deal with for the Board is my response from Mr. Wildman - where are those code of ethics, I don't have a copy of those. If I could just borrow those for a second. I'm not challenging the Minister's code of ethics, I wouldn't do that.

Now, this is the last letter I'm going to deal with and the last bit of my evidence. In these Professional Standards of All Forestry Professionals in Canada there is an item in here which says:

"A commitment and responsibility of professional foresters is to --", it says:

"Express opinions on forestry matters only on the basis of knowledge, skill, experience and honest conviction and to refute untrue bias or exaggerated

statements."

A very good statement, wonderful. Now, I take it that this letter was drafted to me by the staff at Carleton Place. I have no reason to doubt it. The Minister would never know this stuff, and in light of this statement of principles and the ethics in here, I want to analyse this letter for the Board. This is an important matter and it's worth my time taking this up because --

MS. BLASTORAH: Sorry, could we have the the date of that letter just so we make sure we are all looking at the same thing.

MR. MARTEL: April 14th?

THE WITNESS: It's a letter from you to --

MR. MARTEL: April 14th I believe.

THE WITNESS: April 14th, yes.

MADAM CHAIR: 1992.

THE WITNESS: Yes.

MR. MARTEL: Mm-hmm.

THE WITNESS: It says, and I am going to comment on this letter as I go along in relation to this statement here.

Well, I was going to make a statement before I started, I was going to say that -- I forgot.

I'll make it at the end.

It says:

"Premier Bob Rae has shared with me your letter to him of January 20, 1992 about the construction of a forest access road in Lanark County. We are pleased to respond to your concerns.

As you know, the road is approved for construction under the 1988-2008 Timber Management Plan for the Lanark County Management Unit. The development and approval of a proposal for an access road within the timber management planning process entails significant comment from the public and other resource managers, as well as evaluation of several alternative proposals from both economic and environmental standpoints, and approval of senior government officials. This particular matter was reviewed by the Ministry of the Environment as part of an individual designation request under the Environmental Assessment Act of the Timber Management Plan. This intensive

evaluation and review process ensures that the construction of the road will provide benefits to numerous forest users while protecting the integrity of the local environment."

This says -- whoever wrote this says that the Minister of the Environment made:

"...an intensive evaluation and review of the process and that this ensures that the construction of the road will provide benefits to numerous forest users while protecting the integrity of the local environment."

That is completely untrue, that is not true, and the Ministry examined the matters being put before it in the Ministry and Environmental Advisory Committee looked at it and they did it not for these reasons. I mean, they didn't ensure that this process would result in protecting the integrity of the environment. So that's one thing I want to say. It's just simply an untrue statement.

"During the planning process in 1987 and 1988, specific concerns were expressed and considered by the Planning Team regarding the effect of road construction

on increased recreational use in the area, as well as the environmental effect of the road. The road will be built to the minimum construction standards consistent with safety concerns to maintain the integrity of the area."

I mean, I've already brought -- we have brought to their attention "x" number of ways in which it's not going to maintain the integrity of the area. They say it's "...going to be built consistent with safety concerns to maintain the integrity of the area".

Well, the integrity of the area is going to be severely, severely undercut, so this is not true.

"During construction, appropriate mitigating techniques as described in the Ministry of Natural Resources Environmental Guidelines for Access Roads and Water Crossings, will be employed to minimize environmental effects."

Very rare again.

"Access will be restricted year-round during the period when the road is in use...", like for timbering, yes, we understand that.

"...and the road will be closed when

forest management activities are completed."

Well, we know that that simply is not the case because ATVs will never respect the road closure, they will be in there. That's the way it goes.

There is no plan to connect the road, this road with existing roads in Frontenac and Renfrew Counties. We were afraid in the material that we put that this road would then become another conduit for traffic up to another county there. It's just about that far away from another road, and there would be no doubt that it would eventually be connected. So we said, there is no plan today but what about tomorrow, we have to say, we know about tomorrow.

"As part of the analysis of road location alternativea, a route was considered which would have used the existing private road to access the area. This alternative was not selected because Crown controlled access was deemed preferable by the Planning Team to ensure that forest management activities were carried out, and to effect closure of the roads once these activities were completed. The upgrading of roads on

private land to facilitate use of this route by logging trucks also made this a more expensive alternative. The approved road location is taking advantage of 1.5 km existing roads within the area to reduce costs and minimize the construction of additional roads."

And that's -- of course that's a good idea.

I'm guess I'm almost through, I see.

Yes.

"To date 0.8 km of road construction,, upgrade of existing road and the construction of a bridge over the Middle Branch of the Clyde River have been completed. To complete the project will require $181,000 for 4.2 km of road construction and upgrade of existing roads, making the total cost for construction of the road $242,000. However, sections of the road will be constructed by logging contractors as part of operations within their licence area, which will significantly reduce the

$242,000 cost to the Crown."

So I presume that they're getting a special deal on their tenders, that certainly contractor would want to lose money if the Crown was building the road, there must be some arrangement that decreases the purchase price of the cutting rights.

"The return to the Crown in the form of stumpage revenues was analyzed during the road planning process and will range from $250,000 to $375,600 depending upon the method of timber licensing used."

Boy, I wish somebody could analyse -- that that was really true, it's pretty -- I don't know, but that's the case, but I presume you have to take this to somebody and analyse these data.

"The area which the road will access has been harvested as recently as 1971. Much of the area was previously private land...", that's not very important.

"The Ministry will...the logging operations removed the best quality trees only, resulting in a degraded forest."

So they're going to get $375,000 net revenues from this degraded forest presumably.

"The Ministry will remove poor quality trees, which will allow other tree species originally growing in the area to regenerate, and will plant some species. These forest management practices will improve the stands and benefit both wildlife habitat and timber values."

Well, we know that what you call improving the stands, certainly the stands are in wonderful condition right now, they couldn't possibly improve the stands, except after the logging grew back.

"One red-shouldered hawk nest and one goshawk nest were located, both of which will be protected by the implementation of the area of concern."

And we're being nickeled and dimed in that situation.

And then he talks about the prescriptions, and I am almost through. I just want to make sure there isn't something that I miss out here.

Yes. And then:

"The development of sustainable resource management practices in Ontario is a high priority within the Ministry of Natural Resources. To attain this objective will

require the protection of Ontario's natural regions and districts, including their full range of representative geological features, ecosystems, and species."

We are 98 per cent.

"Through the "Endangered Spaces" program, the Ministry will be completing Ontario's system of provincial parks and other protected natural heritage areas. I have established a committee to develop a framework for conserving representative old-growth forests in Ontario. In your local area, several nominated Areas of Natural and Scientific Interest (ANSI) were identifed...", and I have that report:

"...in a Ministry report "Life Science Areas..." and so on.

"I encourage you to review a copy of this..."

And then the last paragraph says:

"Your involvement in and comment on the Timber Management Plan for the Lanark Crown Management Unit will help to ensure

the development of a plan which considers the interests of all concerned individuals and values.

Again, thank you for your interest in this area."

So two things. One is relating to this, I don't think people should write letters, in my opinion, for Ministers to sign containing some of these statements because they are simply not true, and where does that put everybody in the whole process.

And, secondly, we have in Canada and in Ontario an environmental movement and we're trying to do something, participate in this process. We tried our hardest within our time only to come to the conclusion that it's not worth it, you get ground down.

I mean, I attended the first two public participation meetings for the next timber management plan, it's been four years, I attended one December 4th and one in February I think, or March, and I got the minutes of the December 4th one. They were excellent and Ministry bent over backwards to report everything and so on and so on.

And I might say that in that meeting on December 4th over half the people raised the matter of preservation of old growth stands, so the Ministry

responded in their next report to us on the next meeting, March something - I forget what it was - by saying that -- by making very little reference to old growth stands and saying that, however, there was one old growth area that they see that they would have to identify, but that was because the person who left or sold them the land attached a covenant to it. That was the reason that they were going to do that. So, in other words, they're doing it because they have to do it for that sort of a reason.

And to just conclude this document, it's called Timber Management Objectives, Issues and Concerns, Strategies and Targets, Draft Copy for Review and Comment which was circulated to us 04/03/92 contains major sections on environment and ecology, major sections on, but we are in precisely the same place we were 1988.

As far as I know I sense we've made very little progress, I know that the Ministry is trying to run around faster, but -- and the public participation process, they are being very sensitive to it this time, they're taking minutes and they're involving everybody, but back there in the -- who's in charge and how things are going to be determined on land use and so on, nothing has changed. So all of it -- all of the Lanark

County Timber Management Unit is going to be up for logging.

Which brings me to a very good question which you people, the Board, question No. 71, which you wrote to the Ministry, and I'll read your question to you. You said:

> "Respond to the perception that within 20 years 100 per cent of the area of the undertaking will be harvested or otherwise affected by timber management operations."

71, Volume 43, it's in here. And they gave a response in which they are incredibly candid which I have to take off my hat to the Ministry Industry with the last sentence says:

> "However, simply stated, it is our responsibility at some point in time to 'affect' all the areas within the area of the undertaking where we are required to provide for timber management."

So they're going for it all, the way I see it and that's not good; we have to do something about it. That's it, my evidence.

MADAM CHAIR: Thank you very much for your submissions, Mr. Mosquin.

How long will the questioning be, Ms. Blastorah?

MS. BLASTORAH: I understand that Mr. Lindgren is not going to be here to question. I anticipate I would be 20 minutes. I hope less than half an hour. I will try and keep it as brief as possible.

MADAM CHAIR: Let's take our 20-minute break now and we will be back after that.

Thank you.

---Recess at 3:00 p.m.

---On resuming at 3:20 p.m.

MADAM CHAIR: Please be seated.

CROSS-EXAMINATION BY MS. BLASTORAH:

Q. Dr. Mosquin, I will try and keep it short, it's late in the day.

I understand that the concern you've expressed in relation to the northwest corner of Lanark District which you pointed out on the Carleton District map which you provided to the Board is principally in relation to your concern that there be more front-end zone land use planning that would provide for areas such as that to be set aside.

Is that a fair assessment of your concern in relation to that area?

A. Yes.

Q. And that area is currently, under the existing district land use guideline, is zoned for multiple-use?

A. Yes, yes.

Q. With forestry identified as the principal or the primary land use?

A. Yes, that's right, it's zoned green under forestry, yes.

Q. And that would make forestry the primary land use under the existing district land use plans?

A. That's right.

Q. And I understand that Mr. McLeod, who you referenced during your review of the correspondence, the district biologist at that time in Carleton Place District, shared your view that there should be a land use decision to set that area aside?

A. Well, I can't speak for that for sure. Like, we didn't discuss that. He was doing his -- there was a member of staff there of the Ministry and I was the principal person really writing these letters. I can't speak for him direct -- so directly.

Q. Would it be fair to say that the

reason you included his correspondence in that package was his view expressed at least in that correspondence to that effect?

A. No. We were looking for additional information to justify our bump-up and so we said: Well, let's get the internal documents and find out how this decision, how the timber management planning plan was being put together with input of the wildlife -- district wildlife biologist had any serious effect on the plan. That's was the purpose for seeking those documents, was to strengthen our bump-up.

Q. I see. And you were provided with those documents by the district?

A. Well, yes, after as I described it, after some few days. We were first denied verbally and then again Mr. Sellers called us and said come down and look them over.

Q. And is it fair to say that Mr. Sellers indicated to you initially that he would have to make some inquiries about the applicability of the Freedom of Information Act?

A. No, that's not fair. No, that wouldn't be true. He actually flatlt told me that we couldn't have access and we would have to go through channels, through the proper channels.

Q. And did he identify what those channels were to you?

A. I don't recall the substance of our conversation.

Q. But in any event, he identified some mechanism through which it was his stated opinion that you should go?

A. No. We were rejected because upon finishing that telephone call I immediately called Toronto, tried to get the number I remember, and then I finally got the number where I could get the documents to fill out and the criteria that were required to apply for under the Freedom of Information legislation, the provincial legislation.

Q. Okay. And in any event, you were eventually provided with the documentation that you filed before the Board today?

A. Yes.

Q. Okay. And it was expressed in some of that correspondence, and I'm thinking specifically of the letter from or memo - I have forgotten which it was - from Mr. Rene Jones stating the position of the fish and wildlife department, he was the fish and wildlife supervisor at that time; correct?

A. Yes.

Q. And that letter summarizes the position of fish and wildlife in relation to the number of concerns?

A. I don't have any other letters from Mr. Jones to the planning team, none were provided, that was the first one. Whereas Mr. McLeod, there were at least three letters prior to that to the team, yes.

Q. And this area that you wished to have set aside in the Lanark Crown Management Unit, am I correct that your objection to the Dobie Lake Road related to that issue that you didn't wish to see any more access to that area?

A. Well, not strictly didn't wish to see any more access to the area, it's just that we didn't want the area to be further fragmented and timbered.

There are many roads into the area already, small roads, old roads - not many I wouldn't say - but there's a certain network there going back to the turn of the century, but the forest we went to look at was some very big semi, almost old growth forest there, and not being a botanist I don't know an old growth forest roughly when I see one, it has been highgraded in the past, but the trees are extremely tall, it is with all the characteristics of old growth - I could go into detail - where there in parts,

in significant parts of that part of, yes, that's why we were asking to get it zoned out of -- we asked the Ministry, that's only one, to get an exemption or something. We wanted to not have the timber management plan apply to that, and that is why I have been asking for front-end zoning for all Crown land for the same reasons, it would be to prevent them from being further fragmented through logging and roads.

And that's why I suggested that there are, I guess, a number of areas which should be made to apply, that hopefully would secure that strong enough rationale to justify that kind of front-end zoning. I believe that is the case, but so...

Q. And you have indicated, I think I understood you, that this area had previously been private lands and previously logged?

A. Yes.

Q. And you were also aware that a study was done of this area in relation to the existence of old growth. You referred I believe to the paragraph that states that on page 9 of the Minutes of Public Participation, Public Meeting No. 1 dated December 4th, 1991.

A. Yes, okay.

MS. BLASTORAH: Has that document been

marked, Madam Chair? I'm not sure whether it was marked as part of Dr. Mosquin's package or not.

Q. Dr. Mosquin, do you know whether you provided that to the Board?

MADAM CHAIR: We don't have that.

THE WITNESS: No, I did not provide that. I did not provide that one, and another one I was referring to.

MS. BLASTORAH: Perhaps I can undertake to make a copy available to the Board through Mr. Pascoe.

MADAM CHAIR: All right, that will be Exhibit 2237.

MS. BLASTORAH: And it's titled: Public Participation, Lanark Crown Management Unit, Timber Management Plan, Public Meeting No. 1, December 4, 1991 Carleton Place District Office.

---EXHIBIT NO. 2237: Document titled: Public Participation, Lanark Crown Management Unit, Timber Management Plan, Public Meeting No. 1, December 4, 1991 Carleton Place District Office.

MS. BLASTORAH: Q. And the passage I was referring to, Dr. Mosquin, is on page 9 which indicates that MNR agrees old growth will have to be given

consideration in this timber management plan, and that's referring to the plan which is currently under preparation; correct?

A. Yes.

Q. "Under a corporate sustainable forestry initiative...", continuing on, "...policy and strategies will be developed for the conservation of old growth ecosystems in Ontario. This office has requested that current information be provided as the process develops. In addition, David White under contract to Don Cutty, regional ecologist, has prepared a report entitled: Preliminary Definition and Evaluation of Old Growth Forests in Eastern Ontario. This report in conjunction with corporate direction from the old growth sustainable forestry initiative will assist the planning team on the issue of old growth."

Now, that report on old growth prepared by David White includes the area that we're talking about now in Lanark Crown Management Unit; correct?

A. Does it; Jim? It does. Yeah, okay.

Q. And are you able to agree, or do you know whether any areas have been identified as a result of that study in the Lanark County which are old growth?

A. No.

Q. No, you aren't able to say; or, no, they have not?

A. I haven't seen that report.

Q. Oh, so you're unaware?

A. I'm unaware of that.

Q. Okay, thank you. Just clarify for the record. Now, apart from the issue of whether this area in the Lanark Crown Management Unit should be set aside, a number of other concerns were raised during the timber management plan for the last timber management plan approved in 1988, and you'll agree with me that there were some steps taken to address issues raised as a result of the public concern. Is that a fair statement?

A. That was one, yes.

Q. And I'm thinking particularly of the fact that a life science inventory of all stands allocated for harvest was undertaken in conjunction with that plan? Were you aware of that?

A. A life science inventory was carried

out for the whole site district, for the region, correct.

Q. You're speaking of site district 511?

A. Yes.

Q. Which is the area--

A. The big area.

Q. A larger area--

A. That's right.

Q. --outside of Carleton Place district?

A. Right. I've seen that before.

Q. So are you aware then that additional life science inventories were also undertaken in relation to allocated stands, stands selected for harvest during that plan?

A. In Lanark County Unit?

Q. Yes.

A. By Don Cutty or who?

Q. No, I believe it was by the Ministry, by David White I believe. If you weren't aware of that --

A. I wasn't aware of it, no.

Q. Okay, that's fine. Fair enough. Were you aware, or were you aware that raptor nest surveys were undertaken?

A. Yes, I have the report.

Q. Okay. And guidelines to protect red-shouldered hawk habitat were developed, I think you made reference to that?

A. No, I'm aware of those, yes.

Q. Okay. And in conjunction with the steps to protect red-shouldered hawk habitat, partnerships with two local naturalists clubs were entered into to identify and monitor hawk nests; correct?

A. Correct.

Q. And habitat supply analysis pilot project was undertaken in relation to red-shouldered hawk habitat again?

A. That was first announced at the December 4th meeting that such a thing would be done, would be carried out.

Q. I'm sorry, I believe that is incorrect, in conjunction with the current plan. And you're also aware that a district ecologist was retained in the district?

A. I'm aware that the district ecologist visited the area, is not on staff I believe, yes.

Q. Okay. Now, turning to the letter of April 14th, 1992 which you referred to, and I believe this is included in your bound material that was marked

as part of Exhibit 2232F.

A. Mm-hmm.

Q. You indicated in relation to the second paragraph there that you made reference to the statement:

"This intensive evaluation and review...", and that's reference to the review by the Ministry of the Environment in response to your designation request:

"...ensures that the construction of the road will provide benefits to numerous forest users while protecting the integrity of the local environment."

Am I correct that, or is it fair to say that, in your opinion, the evaluation that was undertaken was not intensive enough to ensure that, in your opinion? You made specific reference to that statement.

A. Your question is a bit vague to me. You are asking from my opinion --

Q. Well, you indicated that that simply was not true, and what I'm trying to clarify is that that really is your opinion that the evaluation that was undertaken was not adequate.

A. No, that's not correct. I'm saying

that this statement is simply not true. It's hardly a matter of opinion, it's not -- is this a matter of my opinion.

I think this statement is, that as a result of the examination of this review under the EA Act that the construction of this road -- ensures that the construction of this road will provide numerous forest users while protecting the integrity of the environment. I don't think it follows. I guess what I'm saying, is it's non-sectoral.

Q. Okay. And over on the next page you referenced a number of additional statements, specifically in relation to the Dobie Lake Road which you discussed during your evidence.

And you will agree with me that the letter states at the bottom of the first page that that road is to be constructed to minimum construction standards consistent with safety concerns, and that access will be restricted year-round during the period it will be in use.

A. Well, that's what they say. So that's a statement.

Q. And are you aware that that road is to be gated?

A. Well, no. I assume that it will be

gated. If it's not going to -- people won't be allowed to use it but, yes.

Q. So when you referenced the last sentence in the paragraph at the top of page 2 which says:

"Access will be restricted year-round and the road will be closed once forest management activities are completed", and you said that is not the case, is it fair to say what you meant was, in your opinion, that gating a road would not be adequate to restrict all-terrain vehicle access?

A. Correct, yes.

Q. I just wanted to clarify a couple of other small matters then in relation to statements made during your evidence.

You talked about your proposal that 33 per cent of the area be set aside, and am I correct that that is intended to be 33 per cent of every forest management unit?

A. No.

Q. Perhaps you could clarify for me then what you mean?

A. Right. The reason I brought up the point about the Sewell Commission work and the reason I

brought up the point about the lack of an overall land use planning strategy for Ontario is because I would like to see 33 per cent of Ontario allocated for those purposes that I outlined and for the reasons and for the various criteria that I presented.

Where those areas would be is a question, it can be addressed, I believe it can be rationally addressed within the context of land ownership in the province, within certain political realities, within the understanding that restoration, ecological restoration is feasible and possible, within the understanding that there are private landowners here who are prepared to allocate their own lands for such a purpose, provided they could trust that the system would maintain them, and other reasons.

But certainly the 33 per cent is for Ontario as a whole, and I would say that since biodiversity in the Province of Ontario increases as you go south - I can just think of tree species on there - there are 15 or 20 in southern Ontario and only two or three up in the north, that is a gradational thing, that applies to many other species too.

Therefore, you know, there would have to be greater efforts at restoration and planning on a province-wide scale in the south than there would be in

the north. Obviously in the north that 33 per cent could be achieved by a provincial statute today because we have some fine lands that are under fairly normal state up there, so the difficulty would increase as you go south.

But to get to your specific question about whether this -- does this apply to private lands or Crown lands, you know, it's easier to do it on Crown lands because they are in the public domain. It would be a more complicated process on private lands, but some kind of trust legislation would have to be in place.

But I still -- so to answer your question, it's for the province as a whole, but at the same time not to say that: Hey, let's just do it up in northern Ontario, you know, let's just go for converting southern Ontario to some other state. So it would have to be significant areas south of the Ottawa and Mattawa Rivers.

And you say: Well, that's the ideal, okay. Now you start from where you're at, not from some place that you're not at yet. So you start from here. So that's the ideal. So I think that that ideal should be fine, even for south of the Ottawa, Mattawa River.

I see nothing wrong with defining the ideal at 33, then moving up incrementally to achieve it. That's my view.

To just finish on that point, since the Madawaska Highlands and Algonquin Park and many of the provincial parks are already Crown land, those would be the nuclei from which one would work outwards. Then there might be other private land nuclei, like I'm thinking the Trenton area which is wonderful, lots of natural private land there too, would be another area from which one could integrally -- the people themselves could do it, if given the legal instruments to do it this could be done. So it's not a simple, like (snap) matters.

Q. So this 33 per cent provincially would include or could include private land?

A. Oh yes.

Q. And it would also include provincial parks?

A. Yeah.

Q. Would it include federal parks in the province?

A. Yes.

Q. And other areas such as areas of natural and scientific interest?

A. Yes, conservation areas of various types, yes.

Q. Thank you. Now, you raised a concern about the consideration of objectives other than timber objectives during timber management planning.

Are you familiar with the provision in the draft terms and conditions provided by the Ministry which provide for the statement of objectives for non-timber values as part of the timber management plans and the development of strategies to assist in the achievement of those objectives?

A. I have not studied the Ministry's terms and conditions to any detailed extent. If I had known you were asking the question I would have looked at it.

Q. So you're not familiar with the condition?

A. No, I'm not.

Q. Okay. And would I take it then that you're also not familiar with the provision in relation to notice of -- service of direct written notice of timber management plans, which includes provision for written notice directly to all known local and provincial organizations and associations?

A. Oh, they do that as matter of course.

I'm well familiar that they certainly do that, and that's fine, that's good, yes.

Q. And one last question, you indicated that in your understanding there is no legal requirement for registered professional foresters to sign timber management plans relating to Crown lands. Did I understand you correctly?

A. No, relating to -- not Crown lands, relating to Ministry timber management plans, not -- those private operators have to have plans. Those plans that Crown Timber Act says that registered professional foresters have to sign actually gives the precise wording that they have to use, I hereby certify, words to that effect.

But nowhere does it refer to the fact that the Ministry district in its own plan should ask that a forester be the one having legal responsibility to sign those plans.

Q. And that's the Crown Timber Act that you're referring to?

A. Yes.

Q. And do you know the section offhand?

A. This is the 1980 version I was looking at.

Q. I see. And if I show you --

A. I refer to it in one of my -- I think it's section --

Q. I have a copy here of the Crown Timber Act that I can show you, and I'm showing you section 26, just so we know what we're talking about.

A. Yes.

Q. That's the section you're referring to?

A. Yes.

Q. And it's your understanding that that does not require a registered professional forester to certify a timber management plan for a Crown management unit such as Carleton Place District -- or, sorry, the Lanark Crown Management Unit?

A. Yes, yes.

Q. Okay, thank you.

MS. BLASTORAH: Those are my questions, Madam Chair.

MADAM CHAIR: Thank you, Ms. Blastorah.

Dr. Mosquin, thank you very much. You had a lengthy submission in front of us today, we appreciate that. Thank you very much for all the work that has gone into your submission, and we thank you for participating in this hearing for some number of years now. We remember you very well from earlier on

when we toured Carleton Place.

THE WITNESS: That's true.

MADAM CHAIR: And again, we thank you very much.

THE WITNESS: Well, it was a pleasure. Actually I've been looking for forward to it. I have to say to the Board that I have presented you what I'm hoping to present, you know, and only had I been able to do more work, a better job. So thank you very much, I appreciate having the opportunity.

MADAM CHAIR: Thank you. And we will be back tomorrow at nine o'clock.

---Whereupon the hearing was adjourned at 3:45 p.m., to be reconvened on Tuesday, May 26th, 1992, commencing at 9:00 a.m.

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